B. 10. 22.

OF DIVORCE

For Adulterie, and Marrying againe: that there is no sufficient warrant so to doe.

BIB. CANT. ACAD.

With a note in the end, that *R. P.* many yeares since was answered.

By *Edm. Bunny* Batchelour of Deuinitie.

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TO THE MOST REVEREND FATHER in God RICHARD, by the grace of God *Archbishop of Canterbury, one of his Maiesties most Honorable Privie Councell, Chancellor of the Vniversitie of Oxford, Primate of all England, and Metropolitane.*

MAY it please your *Grace* to vnderstand, that although, being so little known to your Grace as I am, it may seem that I make over bold, so to present this Treatise ensuing: yet, as my selfe am persuaded, divers good reasons there be, that doe occasion me, so farre this once to presume on your Graces goodnes therein; both in respect of a former interest, and of the present matter besides.

The former interest that now I speake of, is, that by the place that then he was in, your Graces immediate Predecessor, had this Treatise in

his hands a good while together, many yeeres ſince; and to be his, if ſo it ſhould ſtand with his Graces pleaſure: and afterward, when hee ſaw his time, approued of the publiſhing of it, and ſo to doe at mine owne diſcretion. Which notwithſtanding (by occaſion) I thought not ſo good, thē preſently to doe, as to awaite a farther opportunity which then began to offer it ſelfe vnto mee. In the meane ſeaſon it hath pleaſed God, to take him of from his labours and travells here, and thus otherwiſe to furniſh the roome that he had. In which alteration, beſides that no way I haue any cauſe to varie: I may not deny, but that now I finde iuſter cauſe ſo to proceed, then I had in the other before.

In the preſent matter beſides, it is very plaine, that there is ſome queſtion of it: & then are ſuch Treatiſes as are thereof, in bounden duty to awaite the cenſure of ſuch other approued iudgments, as to whome in ſuch caſe it doth appertaine. Wherein it having hitherto orderly proceeded to that wherevnto it is come already, it was meeteſt ſo to finiſh the courſe likewiſe: & ſo actually to acknowledge, that ariſing here, & hence proceeding, it was moſt to ſubmit it ſelfe vnto, and to await your Graces cenſure:

It may be alſo, that even in godly pollicie (by our Superiors) it will be thought meete, to take ſome farther order to prevẽt the evill, that ſo free a paſſage of that other courſe may ſeem to threaten: & thẽ, the better opportunity that God hath givẽ your G. to ſuch purpoſe, the leſſe could I in any duty or reaſõ haue turn'd aſide to any other.

God long preſerue your Grace among vs, to the glorie of God, to the good of his Church, & to your owne comfort withall in him. *Oxford July 3.* 1610.

Your Graces moſt humble in the Lord,

EDM. BVNNY.

are entered already, or hereafter are to enter into the *holy estate of wedlocke*, E. B. *wisheth as all other Christian graces whatsoever (such as are needfull to every one in his owne proper Calling) so now especially rightly to know, of what force that bond should be among vs, and, how fast we ought to hold it.*

IF yet it be doubtful to any, what is the corruption of our nature, and how often it cõmeth to passe thereby, that in many things we are hardly able to conceiue or to finde out, that which is sound and right indeede: though there be divers other things besides, wherein wee might see it plainely enough, yet we neede go no farther, but only to that which at this present wee haue in hande: namely, how few of all sorts there are, that are able to see, how strict & insoluble the bond of wedlocke is, after that once it be rightly ioined togither.

2 The Fathers of old, before that yet the law was gi-
Gen. 2. 21. 24. ven, had among them the truth of that holy ordinance, how it pleased God at the first to ordaine the same: of mã and wife to make but one; and that he ordeined but onlie two, to make vp the vnitie that then he spake of. And yet
Abraham, & Sarai. Gen. 16, 1 4, Iacob & Laban. Lea & Rachel Gen 29. 27. 30. and 30, 3, 4, 9. 10. the storie doth plainely shew, that not only the common sort of them, but even the better also, did not account that bond so straight, but that they did, (for divers of thẽ) take others besides: though yet notwithstanding it must needs be true withall, that they knew wel enough, & coulde not be ignorant, but that therein they swarved cleane, frõ that patterne that God had given them, & from the Rule that therein he left them.

3 When

3 When afterward the law was giuen to thoſe that followed, though nowe that matter were made a great deale more plaine vnto them, than it was beſore: yet they alſo did as little finde what they had to doe therein; as did the others that had not the light that was given vnto thē. They were Hebrews themſelves, & the Law was given in their own mother-tongue: the Text it ſelfe muſt needs be very plain unto them, & ſome (we may hope) were diligēt in the ſtudy of it, & that with vnfained deſire to know it, and in the feare of God withal; and yet, it appeareth, they did not ſee this that we ſpeake of. Curious they were (for diverſe of them) in many things elſe of leſſe importance, which without any breach of the law of God they might haue omitted; but their diligence & watchfull heeding of all thoſe Books, words, ſyllables, letters, & characters alſo (or the maner of writing thereof) & even in the number of many words how oft they were vſed, did never yet (for ought that we find in any of thē) attaine vnto this. In one place it is cleere (we ſpeake now but of the Original, that is, of the Hebrew Text it ſelfe; & not of the Tranſlations that ſince haue beene in vſe among vs) that *Moſes* did no more but only make mention of an vſage that they had among them, of putting away their wiues on diſlike, and marrying againe, he doth (I ſay) but only ſpeake of it, and doeth nothing at all approue it vnto them, nor alloweth them ſo to do: and yet a ſort of the learned of them in the time of Chriſt (and ſo belike of old likewiſe) did plainelie ſhew, that they did take it, that *Moſes* had allowed them, or given thē their liberty ſo to doe. Howbeit there is faire ods, betwixt a bare mentioning of an vſage among them (though then alſo he go not againſt it) & to approue the ſame vnto them: & in many other things, there is no queſtion

Deut. 24. 1. 4.

Mat. 19. 7.
Mar. 10. 4.

ſtion(at the leaſt,as they might be choſen)but themſelues would ſoone haue perceiued a leſſer and a daintier difference then this. And herein they haue the Text it ſelfe in plaine tearmes to giue thē over,in that which they would build vpon it;even the very words themſelues chaſing thē from that perſuaſion of theirs.

Lev.18.18. 4 In another place indeed the words are for them, ſo far forth that they may ſeeme, to haue the ſenſe with them alſo: namely', that there they are not forbidden,to take vnto them any more but one wife at once. For the words are but only of taking a ſiſter to the wife that a mā already hath:inſomuch that it only may ſeeme to be forbidden; that is,a man to take vnto him a couple of ſiſters to haue them both in marriage together. But if the place had beene better conſidered, and conferred with other Scriptures,beſides,then might they haue found, that the more likely ſenſe of that place had beene to haue forbidden them, when any man had one wife already then to take another vnto her. For firſt, that thereby wee ſhould be forbidden to take in marriage two naturall ſiſters,may ſeeme to be no part of the meaning: partly, becauſe of ſomewhat that goeth a little before; and partly in reſpect of ſome other conſiderations that here wee haue in this place it ſelfe. That which goeth a little before,is, for that in the next verſe but one before, it is forbidden to marry
Lev.18.16. the brothers wife: which in equitie may ſerue for this alſo,to forbid vnto vs our wiues ſiſter. Thoſe conſiderations that we haue in this place it ſelfe, are the reaſons that here are given: and the limitation that is vſed therewith. The reaſons are two: to afflict her withall; and to vncover her ſhame vpon her. Which of all others doe leaſt agree to naturall ſiſters,for that, if a woman could brooke

any

any other to be ioined with her, ſhe could beſt away with her owne ſiſter in thoſe reſpects: the one, of that greater loue that by courſe of nature is betwixt thoſe that are ſo neere; the other, for that ſuch are (for the moſt part in all ſuch matters) moſt familiarly acquainted alſo. The limitation, *ſo long as ſhee liueth*, hath no place (without ſome harder conſtruction of it) but only in this ſenſe that now we ſpeake of, for that by that former law of the brothers wife which is ſet downe without any ſuch limitation, we are forbidden to match ſo neere, after death likewiſe. But then, that this other ſhould ſeeme to bee the ſenſe of it, is much more likely, both for that it doth ſo fitly agree to the inſtitution of marriage it ſelfe at the firſt: and for that it is not, in the law, elſewhere forbidden generaly, to haue at once more wiues than one. Vnto kings it is; but not Deut. 17. 17. generally vnto al: and of it might they haue reaſoned, that if it were forbidden vnto kings (who, in divers reſpects, might moſt of all haue it allowed vnto thē) then were it much more forbiddē to al others beſides. If the maner of ſpeech might be thought, iuſtly to hinder them from cōceiuing ſuch a ſenſe thereon, becauſe the text nameth but *a ſiſter*, though that kinde of ſpeech may bee ſomewhat ſtrange vnto vs, to carry ſuch a meaning with it; yet was it not ſo vnto them, for that in their ſpeech it was often vſed: as, of [a] one ſwearing to another, of [b] curtaines that are fellowes, of a [c] paire of wings, and of [d] ſouldiers that march together in their aray. In all which (and in divers places beſides, as Arias Montanus, and Tremellius, and Iunius haue noted) the Hebrew word is, *brother* or *ſiſter* (according as the gēder therein doth require) for that which we ſay *one another*, or ſome ſuch like, in things eſpecially that goe by paiers, couples, or fellowes. So that in this al-

[a] Gen. 26. 31.
[b] Exod. 26. 3. 5.
[c] Ezec. 1. 9 23 & 3. 13.
[d] Ioel. 2. 8.

ſo it is a wonder to ſee, that they never found their Polygamie to be forbidden, when as yet notwithſtanding the inſtitution of wedlock at the firſt, and the proprietie of their own tongue did lead them vnto it: and an adviſed conſideration of the place it ſelfe did ſo ſtrongly hold thē of, and chace them away from that ſenſe that they would giue it.

5 Since which time, there is greater light beſtowed on vs: evē on vs al generally, for al matters of learning; & on many of vs, the knowledge of the Goſpel alſo, in plentiful meaſure. And yet in this that now Iſpeake of, we are almoſt as blinde as they. We doe not ſee but that it was allowed vnto thē, to put away their wiues (in divers caſes) and to marry againe: and make no queſtion, but that in one caſe, Chriſt himſelfe doth allow it likewiſe. And wee leane ſo much vnto this, that many of vs are almoſt perſuaded, that the other alſo is no where forbidden vnto vs. At leaſt in this place, we never finde it, notwithſtanding the help that now we haue in the knowledge of the tong it ſelfe, & whatſoever diligence we haue in weighing the Text, and in conferring one place with another: no, not when by other occaſion (as whē the queſtion is, whether two ſiſters may be taken in wedlocke, one after another) we are ſpecially vrged to looke into it. In ſo much that when as for that ſenſe we are ſomething croſſed by thoſe reaſons and limitation that are ioined withall: yet doth that alſo helpe vs but little to find out the ſenſe that now we ſpeake of. Which for my part, I cannot ſee, wherevnto we may rather aſcribe, then to our own corruption of nature: being ſo much giuen (as we are) to that kind of revenge; and, our ſelues to haue change likewiſe. And the leſſe marvel, when we haue ſuch beames in our eies already,

dy, if we cā ſo hardly ſee, that the bond of mariage ſhould be of any ſuch force vnto vs, as it is indeed.

6 Herevpon, when time was, and the preſent occaſion did ſo require, in a Sermon I breefly noted, that the libertie, that in theſe our daies many doe take, of divorcing their wiues for adulterie and marying of others, had not ſuch warrant in the worde of God as they thought that it had: and afterward, when that was hardly taken, I did more fully deliver the ſame in two other Sermons, only of it. Which then alſo being hardly taken by ſome, and not ſo fully allowed by others, as the truth of the doctrine might well haue expected: gathering thereby, that ſuch were like to be the iudgement of others in that point alſo, and hauing good cauſe therein to extend that warning further, I thought good ſince, to write a little more fully of it, and ſo to let it goe forth vnto all. Whether therefore thou be married already, or art hereafter to enter into it, keepe vnitie now, and make thy choice ſo well as thou canſt: and I, for my part, would never wiſh thee to conceiue any hope at all, that whē once that knot is rightly knit, thou canſt afterward haue any vndoubted or certaine warrant, that for the adultery of thy wife (if it ſhould fall out, that thy caſe ſhould bee ſo hard) thou maiſt be at liberty to marry againe. For the farther opening of which matter, I now refer thee to the Treatiſe it ſelfe. And ſo in the Lord I hartily bid thee well to fare.

Bolton-Percy. Decemb. 13. 1595.

An Aduertiſement to the Reader.

1 COncerning this Treatice, wheras it is of ſuch an argument, as wherein divers of great learning haue already dealt, and yet my ſelfe had done thus much therein many yeeres ſince (though I did never publiſh it til now) I haue thought it needfull, gentle Reader, to acquaint thee ſomewhat farther with either of them: both how it came to paſſe, that I alſo haue thus far entermedled therewith; and whervpon it was, that it hath (as it were) kept in til now. That I haue thus far entermedled therewith, it aroſe firſt, out of the nature of the thing it ſelfe: but then, ſomewhat farther of, by occaſion. The former of theſe was, that a gentleman of thoſe parts wherein moſt I reſide, having ſuch a purpoſe with him, and having already gotten (into a little paper-book of his) the handes of ſundrie of the Preachers of thoſe parts, came to me alſo therewith, and deſired my hand likewiſe: his caſe there being, that for adultery by his wife committed, he might ſue the divorce, & marry againe. His requeſt I denied, & gaue him ſome reaſon why ſo I did: but perceiving then, that I did not content him, a while after I wrote vnto him a few ſheetes of paper of that matter; & ſo reſted all the paſſage that was betwixt vs. The latter of them was, that the moſt reuerend Father (that in thoſe parts then was) being minded to Viſit, requeſted me to preach at the beginning of that his viſitation: wherein, among other things more fully proſequuted, I gaue a little touch to that point alſo; namely, that whereas divers were perſwaded, that for adultery they might ſue the divorce, and marry againe, & ſome accordingly ſo did, if the matter were wel examined, that liberty would not (in my iudgement) be found, to haue any vndoubted warrant at al in the word of God.

2 There had beene a few yeeres before, of one family (but

(but indeed, one of the greateſt in thoſe parts) or thervnto appertaining, about fowre ſeveral perſons, and thoſe of ſome note beſides, who had thē ſo gotten divorce, & were married againe. And beſides thoſe (who, it may be, had elſe where mo fellowes alſo, than that heady courſe any waie deſerved) an other there was of more ſpeciall reckoning thā they, who ſo got divorce againſt his wife alſo, & married an other: on whoſe behalfe, on that my warning then publikely given, I found there was more diſlike conceived, than might well ariſe on ſo eaſie a courſe, as (in my iudgement) then was taken. Wherevpon I then reſolved, when my time ſhould be to occupie that place again, ſeeing that little warning was thought ſo ſtrange then, ſo to vnfolde the matter it ſelfe whence it aroſe, as that the Auditorie might better perceiue, there was ſome reaſon, why it was given. That time fell out to be ſome few months after; at which time I only dealt in that matter, and made two Sermons of it: at that time ſhewing, that the ſaid preſuppoſed liberty, ſo to put away their wiues for adultery, & to marry againe, was altogither without warrant in the word of God; and, divers other waies, faultie beſides.

3 Herevpon the matter began to worke: at home; & abroad. At home, though moſt of the Auditory were glad to heare the matter opened ſo farre as it was, and conceaved wel of it: yet there wanted not alſo, who having ſome of their waies called into ſome queſtion thereby, were much offended; one carrying himſelfe ſo inordinatly therin, that for it he was for a time committed. At which time (I meane, while that matter was in hearing, for which the party aforeſaid was committed) there fell out this accidēt alſo. The honourable Perſonage, who then was in chiefe place for the execution of iuſtice there, by occaſion obiected vnto me, that although ſuch liberty had no warrant

in the word of God, yet did the lawes of our coũtry allow it: whervnto I answered againe, that his H. might perceiue that was not so, for that neither those second womẽ were allowed any dowrie, nor their childrẽ to be legitimate. His H. therin could not be said by me, but told me I was much deceived therein: till some of the Councel (then present) told him, that it was indeed as I had said.

4 See now the good nature, & plaine dealing of that Noble Gentleman, right noble in deede. A right learned man (and of good parts besides) of this our own countrie, had before imparted, on speciall suit, to the gentlemã that before we spake of, his iudgement (in writing) of the same matter; not, by putting to his hand to the gentlemans bosome-booke, as others before, nor in some few lines of his owne framing, which in such case is likewise vsed: but in a Treatice or Book, of iust volume (& the most learned, that any yet, in that course, hath written) and so, with all of that sort, of special reckoning; even an vndoubted warrant to hold on the way that themselues so much affected, and wished to be allowed vnto thẽ. Wherein he is in deed more copious than others, to shew that many haue been of the same opinion: but in the principles or groundes of that whole building, the common reading and iudgment of others, so far prevailed with him likewise, it seemeth, that so his resolution was nothing so sutable, to that learning & iudgement of his, as otherwise it was like to haue beene. This Booke fairely written had the same gentleman (as I vnderstood) delivered to that Noble Personage, his Lord and Master, so to let him see, how cleere and warrantable that course was, that he & others then were in. This Book did that Noble Personage cause one of his attendants thẽ to fetch: and presently he gaue the same vnto me; as giving vp therewith, all the good liking, that of that opinion hee

had

had before conceived.

5 Abroad it so wrought likewise, that besides diverse others, one in the South parts (for this that we speake of, was done in Yorke) in the heart thereof, and one of the chiefe in those partes also, hearing in some sort what I had there of that matter delivered, sent vnto me to be acquainted with my notes: which I also accordingly sent; and heard, that there they were approued. But thereby and otherwise perceiving, that not only many of the learned were carried away with the oversight & preiudice of those learned that were for that presupposed liberty, and with the reverēce of their persons (which indeed, in many good respects, was in great measure due vnto thē) & that some farther notice thereof was needfull to be given to others likewise: I therevpon gathered this present Treatise, and sent it vp to my Lords Grace of Canterburie that thē was; to be published also, if so it should stand with his Graces pleasure. For the matter, his answere (I heard) was, that he was of the same minde himselfe: I heard likewise, that hee imparted the same to some others of special note, & place; and that they were of the same minde also. But as touching the publishing of it, that hee thought not good so to doe: yet giving no other reason then, but that hee would haue as few controversies in the Church as might be; and that others had offered a Treatise of contrarie iudgement which he had staied (that, of the learned mans that before wee spake of; and great golden meanes vsed, to haue had it allowed) and should then be thought partiall, if nevertheless he should haue admitted of this.

6 So there it lay for certaine yeeres, out of my hands: and I, having done my endeavor, to haue entered in by the dore of orderly proceeding; would not then attempt to clime in by a window of any inordinate course whatsoever.

ver. Nevertheleſſe to make ſome vſe of that time alſo, whereas that learned man that before I ſpoke of, had by occaſion written a ſet Treatiſe of that matter affirmatiuely, I thought good to acquaint him alſo, with that which I had conceived thereof negatiuely: and to that end both ſent him a copie of that Treatiſe of mine, and by my letter ſent withall, deſired him to let me vnderſtand, if hee found any thing therein that was not ſound. The Treatiſe, & my letter withall were both delivered: but the ſatiſfactiõ that I received thence againe, was no more, but that, ſome reaſonable time after, by another friend of mine, that Treatiſe of mine was ſent mee againe, with this anſwere, that the partie to whome it was ſent, ſaw no cauſe yet, ſaid hee, to be of other opinion therein, then hee was of before; that other friend of mine in ſuch ſort adviſing and wiſhing me beſides, as that thence I might eaſily gather, that the Treatiſe it ſelfe was not ſo welcome, as I had hoped it might haue beene.

7 Speeding none otherwiſe there, then did I ſoone after put his Grace in mind, whether, as that kind of looſneſſe began then to grow bold and heady, it were not vnequal dealing, to ſtay that which by good right might wel proceed, and was needfull too, for that which might not, and were not without danger beſides. To that I had no anſwere, neither was it material I ſhould: but I noted, that ſoone after there was ſome farther order taken for it, by publike authority. Others alſo of good reckoning, I heard, began openly to deale therein: both in one of their chiefeſt aſſemblies of all this land; and, in exerciſe of learning, evẽ in the Vniverſitie it ſelfe likewiſe. Whereupon taking occaſion againe, to put his Grace in mind of that Treatiſe of mine, whether yet his Grace could not like of the publiſhing of it, his Grace thẽ readily ſent it vnto me, with his

good

good leaue to publiſh it all: at which time there was an other impediment (which moſt did ſtay him) cleane removed. But then me ſelfe was already adviſed of an other good opportunity, the benefit whereof, to the better furtherance of it, my hope was then, that I might in reaſonable time attaine vnto: & therevpon thought it beſt, to ſtay it farther with me, till then.

8 In which meane time, ſome of the favorits of that liberty, by ſtealth or ſecret meanes, haue gotten a Copie of the Treatice of that learned & reverend man aforeſaid, to be printed and publiſhed: and, by ſuch meanes as they haue vſed, haue diſperſed, and imparted the ſame vnto many. By which inordinate courſe of theirs, there is no queſtion, but that diverſe may bee endangered: as making no doubt, but that, as that indeed was his iudgement; ſo his learning, and their inclination meeting ſo fitly & kindly togither, the truth of the matter muſt needs be ſo alſo.

9 True it is, that many of the learned haue beene, and yet are, of that opinion, & accordingly haue interpreted, & yet doe, ſuch Scriptures as they haue conceived to appertaine therevnto: but it is as true withal, that as many of the learned againe, if not far mo, haue beene, and are, of other opinion, and haue otherwiſe vnderſtoode, & yet doe, thoſe Scriptures aforeſaid. And as ſome other Territories or ſeveral Churches, it may be, there are, who are of opinion, that in ſuch caſe divorce may be, & marrying again: ſo is it as evident too that the governmēt of this Church of ours, & ſo of many others beſides (if the ſame may not be cōceived of the whole generally) doth not allow it So that in truth if we go to the opinion or iudgement of mē, there is no queſtiō, but that the matter is very hard to bee decided: but ſo far, as the more generall & ſetled iudgmēt, may caſt the ballāce: as alſo in thoſe Scriptures thēſelues,

which at the first sight doe seeme most properly to appertain therevnto, we haue the same difficulty also, vnlesse we repaire vnto those others besides, as whereby we may see see, that such sense doth hardly agree to some other duties that are required.

10 The cõtroversie therefoe standing in such case as it doth, and so many being so ready to take fast hold of so plausible a liberty, and so little regarding so great inconvenience as inseparably goeth with that opinion of theirs: as it was a cleere case with me before, that both the matter it selfe had need to be farther looked into, & that people did need to be warned of the danger that was therein, so it is still; and so much the more now, as this inordinate course of theirs may bee more dangerous to many of our owne Country-men here. And so far as the occasion hereof did set it selfe a working in those Northern parts of ours, & I therevpon accounted my selfe, in conscience and in dutie bound, to giue such warning as then I did: so far now, the like occasion being in these parts also so plainely given, I thought it my duty, to resume, or take vnto mee that purpose againe; & now to discharge that point of duty, so far at the least, as in my hands it should ly to do. But now seeing the matter is, among the learned, in question alreadie, and they are much more able, thẽ I, that haue it in hand, & in all respects very well furnished to such a purpose, that I may not seem, now to take part, but rather to respect, evẽ originally, the truth it selfe; I haue thought good to commend to the presse, that very coppy of that my Treatise, that was then (those many yeeres since) vnder the view, together with the Preface thereto, and the date thereof that it had before. So now I cease, and commend thee to God.

Oxford, Iun. 4. 1610.

THE CONTENTS OF THE TREATICE ensuing, according to the severall Sections thereof.

THe Argument of the whole Treatise following: and, that there bee two sorts of places whereon those of the learned do rest, that are for Divorce or Adultery, a marrying againe, Sect. 1.

What those places are whereon so they build. Sect. 2.

How ready divers are, without any farther enquirie first made, to rest thereon. Sect. 3.

That such as are of that opinion haue little ground-worke even in their Leaders, for that they are so much crossed by others as therein they are. Sect. 4.

How doubtfull resolutions thẽselues also for that matter haue. Sect. 5.

Vpon how weake reasons they haue growne to such resolution. Sect. 6.

What Protestations they vse withall. Sect. 7.

What we are to thinke thereof: namely, that where such things go with all, there is no likelyhood to finde any certainety of Doctrine whereon to build (especially, in so weighty a case as this.) Sect. 8.

Briefly declared that those places do little helpe: & that they do plainly mistake those two that seemed to be strongest for them. Sect. 9.

How those places of Scripture are taken by them. Sect. 10.

That, in such sort taking those places (it may well be) they did mistake them: both that of Deutrronomie. Sect. 11.

And that other of Malachie also. Sect. 12.

What our selues are to gather, on that their so taking of them. Sect. 13.

In those places that most are for marrying againe, that they are so crossed by others, that those also are likely to helpe them but little. Sect. 14.

How farre they may be charged therein: namely, that their owne defectes are such, as well may make their iudgement suspected. Sect. 15.

How weakely they reason in such things as are in question, and so of the substance of the matter it selfe. Sect. 16.

How weakely they reason likewise in such things as are but accidentarie thereunto. Sect. 17.

How weakly they reason on certaine other things also, as are of such a kinde or so neere vnto thē, as that thence they draw certain reasons also. Sect. 18.

How, when they come the word it selfe, they much mistake it. Sect. 19.

That on some places also they gather amisse: first Erasmus. Sect. 20.

Then, Mr Beza also. Sect. 21.

How weakly they do reason likewise on the authority of men. Sect. 22.

That they haue divers inconvenient and hard speeches besides: especially Erasmus (who, in this age of ours, was if not the first, yet the greatest motioner of this matter) Sect. 23.

Then also, certaine others of that company. Sect. 24.

In the places themselues, first of that sense that they conceiue of them. Sect. 25.

Then, what we may thinke to be their meaning in deed: and first of that in the fift of S. Matthew. Sect. 26.

Then, of that other place in the 19. of the said S. Matthew. Sect, 27.

In such doubts as may be conceived, that the Exception in such sense as we conceiue it, will nothing at all helpe them. Sect. 28.

In the sense wherein they conceiue it, that it will helpe them but little also. Sect. 29.

And in such case that they also must be very well aduised, and take good heed what they do therein. Sect. 30.

And that they doe nothing against any other Scripture, which they haue strong against them. Sect. 31.

Nor against conueniencie neither, which in that case they cannot auoide. Sect. 32.

That whereas the Apostle also permitteth the faithfull (by an infidell forsaken) to marry againe, that it also doth nothing helpe them. Sect. 33.

The Conclusion. Sect. 34.

OF DIVORCE FOR ADVLTE-

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Euthim. Zigabe-mus. pag. 35.

chiefly respect divorcing or putting away; others that do rather respect marrying againe) so are the iudgments of the learned in such sort divided, likewise: all of them (to speake of) generallie, allowing of divorce; and manie of them, marrying againe, in such case to stand by the word of God. And yet notwithstanding if we can for a time set aside the iudgement of others, and consider of the thing it selfe, in what case it standeth in the written word, by

How weakely they reason in such things as are in question, and so of the substance of the matter it selfe. Sect. 16.

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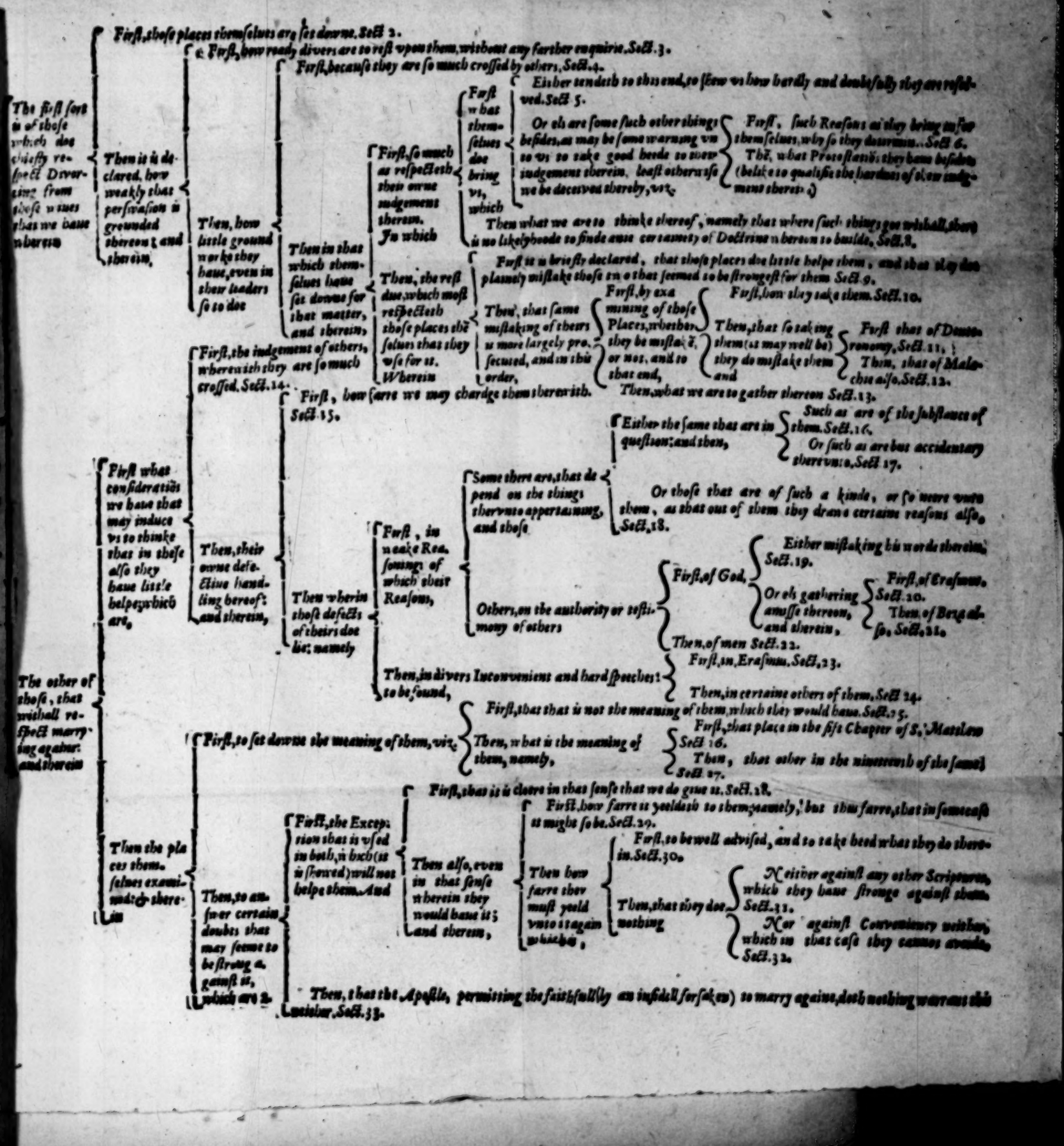
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The Conclusion. Sect. 34.

THE TABLE OF METHOD: WHICH SHEWETH, HOW *the whole Treatise proceedeth; and where every member thereof doth lie.*



How weakely they reason in such things as are in question, and so of the substance of the matter it selfe. Sect. 16.

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Sect. 18.

How, when they c[illegible]
That on some pla[illegible]
Then, M[r] Beza a[illegible]
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cially Erasmus (who,[illegible]
test motioner of this [illegible]
Then also, certain[illegible]
In the places them[illegible]
Sect. 25.

Then, what we ma[illegible]
that in the fift of S. M[illegible]
Then, of that other[illegible]
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OF DIVORCE FOR ADVLTERIE, *and marrying againe.*

WHereas that, which heretofore came (lightly) no farther, but only to be disputed among the learned, is now growne to so common a practise with many, namely to prosecute divorce for adulterie, and to marrie againe: the greater danger that thereby we may see to grow vp apace, towards the overthrowing of such integrity as yet we haue left, and to bring in the Turkish libertie of putting awaie such wiues as they like not, & marrying others; the greater cause haue we so much the rather to see vnto it, &, not slightly now, but soundly to examine, whether it haue any warrant at all in the written word. Which that we may the better finde out, it shalbe good to note, that as there be two sorts of places of Scriptures, whereon the learned that are for that opinion doe commonly rest (some that chiefly respect divorcing or putting away, others that do rather respect marrying againe) so are the iudgments of the learned in such sort divided, likewise: all of them (to speake of) generallie, allowing of divorce; and manie of them, marrying againe, in such case to stand by the word of God. And yet notwithstanding if we can for a time set aside the iudgement of others, and consider of the thing it selfe, in what case it standeth in the written word, by

Euthim. Zigabenus. pag. 35.

Sect. 2. help of that light that God in theſe daies hath giv̄e vnto vs, I make no doubt of it, but that ſoone we may finde ſo good matter for the contrary part, that whoſoever ſhall indifferently conſider of it, he will not eaſily afterwarde thinke, that hee findeth in any of that opinion, matter of worth to drawe him backe to that perſwaſion againe. Which while we ſhall endevour to ſhew, becauſe manie themſelues being given to that fleſhly libertie, doe nevertheleſſe ſhrowd themſelues vnder the iudgment of thoſe learned that favour the ſame; therefore it ſhall be needful (the better to free them frō that preiudice) not to diſſemble whatſoever weaknes wee finde in the iudgement of thoſe that are for it: though otherwiſe they be (by verie good right) of that reckoning with vs, that we ought to vphold their credit, the beſt that we may. But becauſe the truth ought to be much dearer vnto vs, and ſeeing it is a wonted pollicie in Sathan, by the principal men (ſo neere as he can) to hatch & reare vp his errors among vs: therefore the dearer the truth is vnto vs, & the more wee ſhould take heed, that we doe not beare with the error of any, the bolder may wee be in this caſe alſo, ſo farre-forth as the nature of the caſe ſhall require, to examine their iudgment, and not to ſpare for that final diſcredit that vnto them may ariſe thereby. Which that we may do, with more perſpicuitie vnto the cauſe that we haue in hand, I hold it beſt, that wee conſider ſeverally of thoſe two ſorts of places of Scripture that before we ſpake of, that ſo we may more plainely ſee how little warrant that perſwaſiō hath in either of thē: notwithſtanding whatſoever helpe it hath in thoſe learned, that are ſo much for it as they are.

What thoſe places are, that be for divorce.

2 In the former ſort of places therefore wee are to con-

Sect. 2.

consider, not only of the places themselues that are by divers of the learned alleadged in defense of such divorce: but also how weakely that same perswasion is grounded on them. The places themselues are, some of them such, as most of the learned doe make little reckoning of them to confirme that doctrine to any: but others of them such as they do take to be of speciall force to that end; and accordingly leane not a little to them. Those that are such as of which most of themselues do make little reckoning to confirme that point of doctrine to anie, are two: one, in Ecclesiasticus; the other, foūd (in the vulgar Latin translation) in the Proverbs of Salomon. That which is in Ecclesiasticus, is diversly read: but the effect is this, that it willeth the husband if the wife wil not be ruled by him, to *put her away*. But this booke is not Canonicall: wherevpō as not many of themselues do seeke any helpe thereby, so we also will not waste any needlesse labour about it. The other that (in the vulgar Latine Translation) is found in the Proverbs, is, that *qui tenet adulteram stultus est & insipiens*: that is, he that keepeth with him an adultéresse, is a foole and vnwise. But because this also is not found in the Originall, and may be vnderstoode of such harlots as divers hold, but not by mariage, therefore as it is of no force in deed, so doe most of them relinquish also the benefit of it: and therefore we likewise will not go any farther against it. Those others that they take to be of special force to that end, and accordingly leane not a little vnto them, are divers, and all of them found in those Bookes that are Canonicall, and therefore not to be denied to be of sufficient authority so far as they go. But thē we are to note therewith, that whereas there are 6. of them in all, 4. of them they accoūt of lesse importance. And chiefly rest

Eccl. 25, 35, 36.

Pro. 18, 22.

Sect.2. in the other two. Thoſe foure that are of leſſe importance are of two ſorts, ſome that hardly cenſure, that a Prieſt ſhould marry with a woman divorced; others, that ſhew the goodneſſe of God to be much greater towards them in that kind, then was theirs towards their wiues when ſo they offended. Thoſe two that doe ſo hardly cenſure that a Prieſt ſhould marry a divorced woman, are Lev. 21:7. & *Ezech.* 44.22. whereof the former doth plainely forbid it: and the other doth greatly diſgrace it alſo. For the former is, that the Prieſt (among others) may not marry with a-

Lev.21:7. ny *quæ repudiata eſt à marito, quia cõſecratus eſt Deo ſuo. &c:* that is, ſuch a one as is divorced from her huſband, becauſe he is conſecrated vnto his God. The latter likewiſe is, that the Lord promiſing ſuch a Prieſthood, as ſhould diligently walke in the ordinances that he delivered vnto them, a-

Ezec.44:22 mong other things he reciteth that alſo, that *repudiatas non accipient vxores*, that is, that they ſhould not take ſuch as were divorced, to bee their wiues. Thoſe two others that doe ſhewe the goodneſſe of God to bee much greater in that kind towards them, then was theirs towardes

Iſa.50:1. their wiues when ſo they offended, are the one of *Iſ.* 50:1. the other of *Ieremiah* 3:1. In that of Iſaiah, the Lord demãdeth, *Vbi eſt libellus repudii matris veſtræ, quo dimiſerim eam?* that is, Where is that Bill of divorce with which I ſent your mother away? meaning thereby, that hee had never put away his people nor caſt them of: alluding to the cuſtome that they had among themſelues, divorcing away their wiues from them, which notwithſtanding he had not done vnto them. That of Jeremie doth likewiſe allude vnto the ſame cuſtome of theirs: and ſheweth, that although ſuch as had put away their wiues might not haue them againe: yet the Lord himſelfe would be ready

to

to receaue them. To that end he saith, *Vulgò dicitur, Si dimiserit vir vxorem suam, & recedens ab eo duxerit virum alterum, nunquid revertetur ad eam vltra? nunquid non polluta & contaminata erit mulier illa?* that is, It is commonly said, if a man shall put away his wife, & shee departing frō him shal marry an other, shall he ever returne vnto her any more? shall not that woman bee polluted and defiled. Those two other that chiefly they rest on, are, the one in Deuteronomie; the other in Malachie. That in Deuteronomie, as they doe alleage it, is, *Si acceperit homo vxorem & habuerit eam, & non invenerit gratiam ante oculos ejus propter aliquam fœditatem, scribet libellum repudii, & dabit in manu illius, & dimittet eam de domo sua.* That is, If a man haue taken a wife and haue her, and she finde no favor before his eies for some vncleanneſſe, he shall write her (or, as others translate, thē let him write her) a bill of divorcement, and put it in her hand, and send her out of his house. That of Malachie is much like vnto it, namely, *Cum odio habueris, dimitte, dicit dominus Deus Israel*, that is, Seeing thou hatest her (meaning his wife) put her away, saith the Lord God of Israel. By which they conclude that Moses first, and Malachie after, did in plaine words of the Text, in such case allow divorce vnto them.

Sect. 3. ler. 3. 1.

Deut. 24. 1.

Mal. 2. 16.

3 The places being thus briefly noted, now if wee would see how weakly that persuasion is groūded on thē, it shall not be amisse, first to note, how marvellous ready the common sort of those loose wantons of ours are, to sort themselues to that opinion, & yet how little groūdworke they haue, even in their Leaders themselues. How marvellous ready they are to sort themselues to that opinion may sufficiently appeare in this, that when as it is graunted that such places there are, whereon the learned

How ready many are vnadvisedly to build thereon.

Sect. 3. (that are for divorce & marrying againe) doe groũd their opinion, even that only is enough for them, and doth so fully resolue them in it, that hardly can they afford their eares, paciently to heare any more. For as wee are all by course of nature giuen vnto sinne, and especially, vnto revenge, & to the inordinate lusts of the flesh: so are there some (and those not a few) that haue afforded so hard entertainement vnto that good spirit of God, whereby only they should be preserved from so dangerous passions, that it is not of such to bee expected, but that, (hee not vouchsafing to tarry with them) easily they would settle themselues vpon any semblance, that should fit their humor whatsoever it were: which if it be so, then are we so much the lesse to marvel, if, as when meate is set on the table, men commonly vse to fal vnto that which best doth like them, and, the more that themselves haue their stomakes possessed with vnholsome humors, ofttimes vnto that which is worst of all for them: even so in this likewise when diversity of opinions is broached vnto vs, then every one to betake himself vnto that which best liketh him; and, the more that any as yet abideth vnder the power of error or sinne, the more to like the opinion of those, that best of all fitteth his inclination, though otherwise it be not so neere the truth as is some other. And as in the one, such is the power of that distẽperature, that one that is in such sort distempered, can hardly but thinke that that which he fancieth, is indeed simply the best of all the residue: even so in the other, it is no newes to see, that such as are so strongly possessed of any such passion of humanity whatsoever they find that doth beare a shew of the truth, & yet doth iort it selfe neareſt to that speciall disposition of theirs, doe account that also the best Divinity.

Sect. 4. Those that are for diuorce, and marrying againe, much crossed by others.

4 How little groundworke they haue, even in those that are their leaders them selues, may partly appeare in that they are so much crossed by others, as therein they are: but especially, in that which themselues haue set downe for that matter. That they haue little groundworke in them, if they be so much crossed therein by others as they are, may likewise appeare if we consider but these two things: first, how farre they are crossed therein; then, what it is that followeth thereon. To see how farre they are crossed herein, wee shall needе to goe no farther, then to the plaine confession of one of themselues, *Erasmus* by name. Who immediatly after his very entrance vnto that speciall discourse of his, doth plainely acknowledge, the generall iudgement of all Christendome to bee against that which he was then to propound, to be further examined. *Scio*, saith he, *receptissimum esse inter Christianos, vbi semel coijt matrimonium, nullo pacto posse dirimi, nisi morte alterius.* I know, saith he, that it is the generall or most receaued opiniō of all Christians, that whē marriage is once made, it can no way be broken againe, but only by the death of one of the parties. And as here, in generall tearmes he acknowledgeth the iudgement of the whole Church, or of all the people of God generally to be against that presupposed libertie: so, in the next sentence following descending to particulars, he acknowledgeth there likewise, that that is the iudgement both of *Chrysostome*, and of the old Latines, and of *S. Augustine* especially: and, that the same iudgement of theirs, is confirmed by the constitution of Bishops, and by the authority of the Lawes Decretall; and allowed of by the consent of the Schooles of Diuinitie. So himselfe granteth, that hee findeth against that opinion (wherevnto notwithstāding he

Erasmus. In 1. Cor 7. pag. 491.

Ibid. Chrysostōe Old Latines Augustine. Constitutions decretal; & the Schooles against it.

Sect.4. All the Latines Eccl. lawes. Diuinity.

he inclineth) many great Fathers, euen all the Latines generally, the Eccleſiaſticall lawes alſo, and (in effect) Diuinity too: then the which I thinke we need no more for the reaſonable prooſe of that aſſertion, then ſo plaine a teſtimonie of ſo ſpeciall a patron of that perſuaſion. Wherein though divers of them beſides haue beene more ſparing, then to ſlip any ſo plaine a teſtimonie (belike, leaſt ſo they might further let downe, in the minds of many, the credit of their cauſe, then themſelues were able, any way to raiſe it againe) yet neither doe they reproue him for it, and beſides, both *Peter Martyr* abroad, & one other of our own at home (by very good right of ſpeciall account for many good parts, with the learned and godly among vs) haue ſet down ſomewhat, not much abhorring from the ſame.

P. Martyr.

The former of them, *Non reperies in veteri Teſtamento ullos celebres aut laudatos viros divortio vſos eſſe, quantum hiſtoriæ ſacræ referant.*, that is, Thou ſhalt not finde in the olde Teſtament, any of the better ſort of men to haue vſed (the libertie of) divorce, ſo far as the holy Scriptures doe teſtify. The latter of them, that S. Auguſtine, the Schoole Divines, the Canoniſts, and the Church of Rome, though in caſe of adulterie they allow of divorce, yet allow they not to marry againe. And it is ſufficiently knowne vnto vs, that though divers particular perſons there be among vs of other iudgement (and divers of them otherwiſe, both learned and godly) yet that forme of government which we haue all generally agreed vnto, to bee in ſuch caſe obſerved of all (as by our lawes both Eccleſiaſticall and Civill appeareth) is directly againſt ſuch marrying againe, though divorce be for no leſſe then for adultery. That which followeth vpō it, is this, that vnleſſe thoſe that are for it, haue ſuch places for them, as are cleere and without

Sect.67. pag.306.

D.R.Cap 1. ſect.1,

ex-

exception, they can prevaile but little therein, but must needs leaue the better end of the ſtaffe vnto others. For if themſelues wil not deny but that there be many againſt it, and as many as there be with it, or rather more, then, as the ſcales when they hang indifferently, doe ſhew that the things that are weighed therin, are of one & the ſelfe ſame weight, but when they vary, that then the one of thē needeth more weight to be added: ſo howſoever that if our voices were even, or the matter but in quæſtion among vs, & not over-ruled, then the allegations of either partie, might be alike eſteemed of thoſe that ſtand indifferent; yet when as it may very well be doubted, that they are many more againſt it, then there be for it, and the matter is (with vs) over-ruled againſt them, then vnleſſe their proofes be the better, they may not looke to evict it from thoſe whome they plainely finde in poſſeſſion already. The evidence (indeed) may proue tobe ſuch, that neither the greater number of voices, nor poſſeſſion of old, may ſtand againſt it: but vnleſſe it be ſuch, whoſoever it is that would claime thereby, may looke for no more, thē it will be able, in equitie and truth to win vnto him.

Seſſ. 5.

5 Of that which themſelues haue ſet downe for that matter, a good part reſpecteth moſt their owne iudgmēt therein: the reſidue, thoſe places out of which they doe gather it. In ſo much of it, as moſt reſpecteth their owne iudgement therein, we are firſt to note, what it is that they haue brought vs: then, to adviſe our ſelues thereon, how far forth wee may take to our ſelues the advantage of it. That which they haue brought vs, is of two ſorts: either to ſhew vs how hardly and doubtfully they are reſolued; or ſuch other things as follow thereon, that may be ſome warning vnto vs beſides, to take heed that we reſt not too

Their doubtfull reſolutions.

Sect. 5. much on their iudgement. As touching the former, namely thoſe hard and doubtfull reſolutions of theirs, I take it that the beſt order will be, to take thoſe whome I meane to alleage, in ſuch order of time, as wherein themſelues did write. And ſo beginning with Eraſmus firſt, he began his Annotations on the new Teſtament 1515. in which booke that Treatiſe of his is, that he wrote of this matter. In which he is ſo far from allowing of that courſe abſolutely, that he doth no further plead for it, but whereas the woman is [a] *flagitiis operta*, [b] *quibus (maritus) nec cauſã dedit, nec mederi poſſit*, and after againe, [c] *qui nihil eſt commeritus*; after this alſo, [d] that *nihil non fruſtra tentatum ſit*, and yet notwithſtanding that then alſo it be not done by themſelues, or any other private perſons, but [e] *ubi res erit acta per Epiſcopos, aut per probatos & graves Iudices*; that is, that the wife (that ſo muſt be put away) muſt bee a very bad woman; that her huſband (that may put her away) never gaue her occaſion to any lewdneſſe, neither is able now any way to help it, nor ever deſerved any ſuch ill dealing of her; after this alſo that firſt hee muſt haue tried all good meanes, but can doe noe good on her, and that ſuch divorce be never made but by Biſhops or other approved and graue Iudges. *Muſculus* alſo ſetting forth his Commentaries on S. Matthewes Goſpel, 1554, though he grãt that divorce may be, *ſtupri cauſa*, that is, for whoredome: yet he addeth withall, *Caſus hic habet varias circumſtantias, quas hoc loco excutere propoſitum non eſt. Sed tamen admonuerim ut quibus tales conjuges divino judicio contingunt, recordentur ſe eſſe Chriſtianos. Et primum cogitent de lucranda coniugis ſalute, ſi id fieri queat: ſi vero nequeat, tum demum libertate ſua, neq; id ſine animi dolore utantur.* That is, this caſe (notwithſtanding) hath divers circũſtances,

Eraſmus. In 1. Cor. 7.

a Pag. 495. b Ibid. c Ibid. d Pag. 504. e Pag. 501.

Muſculus

In Mat. 5. p. 112.

Sect. 5.

ces, which my meaning is not here to sift out. But this would I warne them of, that those to whom by Gods appointment such wiues haue falne, woulde remember themselues that they are Christians. And that first they woulde thinke to bring their wiues to better waies, if it may be: but if that cannot be, that then they take the benefit of their own liberty, but not without their own harts griefe in that case also. *Peter Martyr* hath two cautions; one, that the man had need to be honest himselfe; the other, not to go without authority therein. For the former, *perinquũ judico*, saith he, *ut vir exigat ab uxore pudicitiam, quam ipse illi non exhibet* (which he saith was the law of *Antonius*) that is, I take it to be very bad dealing, that the husbande should exact chastity of his wife, who doth not yeeld the same to her himselfe likewise. For the latter, *Si quis autem propter stuprum solus cogatur degere, &c, cum ei facere leges copiam nolint secundarum nuptiarum, &c: certè nõ possunt ei occurrere nisi duo remedia: ut &c, jam arbitretur se à Deo vocationem habere ad cælibatum, &c: aut, &c, si putet sibi expedire, ut libertate à Deo concessa utatur, &c: conferat se in regiones ubi hoc liceat.* That is, (so much as I thought good to draw out of the place it selfe) But if (by putting away his wife for whoredome) a man be compelled to liue single, as in case, when the laws (of his coũtry) will not suffer him to marry againe, he truely can haue his choice but of one of these two remedies: that now he account himselfe to haue a calling from God to single life; or if he thinke it expedient for him to vse that libertie that God hath given him, that he then get him into those countries that wil allow him so to doe. Againe, *Quin & in his quæ Scriptura expressit, nihil absq; Magistratus approbatione audendum judico*: or, as by and by after he saith, *publicis legibus vetanti-*

P. Martyr. in 1. Cor. 7. 1552. & habetur in locis. ccm. Sect. 68. pag. 306.

Sect. 56. pag. 302.

Ibid.

Sect. 5. *bus*, that is, evē in these things that the Scripture hath expresly allowed, I thinke that nothing is to bee attempted without the Magistrates leaue, or whensoever the Lawes of the coūtrie forbid the same. And his reason there, is, for that although marriage be the ordinance of God: yet for the circumstances therevnto appertaining, it hath diverse things that are to be governed by the positiue laws. *Kemnisius* likewise, writing against that part of the Councill or Chapter of Trent 1566, *Omnino* (saith he) *quantum salva conscientia fieri potest, opera danda est, ut divortia etiam legitima caveantur, nexus conjugalis vel indissolubiliter servetur, vel si interruptus fuerit, redintegretur.* That is, In anie wise we must take heed, so farre as with good conscience we may, that we take heed, even of lawfull divorces also, and that the bond of marriage either inviolably be kept, or if that be (at any time) broken, that then it be made vp againe. And a little after, *Et pijs omnibus probatur, ut non statim ad divortia prosiliatur, sed priùs tententur omnia quæ reconciliationi & redintegrationi servire possunt. Omnia enim mihi licent, sed non omnia expediunt, & ædificant, inquit Paulus.* That is, And it is thought meete by all good men, that men do not forthwith set in hand with divorce, but that all things be first assaied, that may helpe forwarde reconciliation, and to make vp the breach againe. For all things are lawful, but not all things expedient, and vnto edifying, saith the Apostle S. *Paul.* *Beza* likewise, in that speciall Treatice of his on this matter published 1573. though he be much harder, than others of his fellowes in this point, and therevpon setteth downe, that although himselfe do pronounce them to be, *veluti altero oculo captos, qui in hoc unum ita sunt intenti, ut nocentem innocētī reconcilient, ut interim perexiguam habeant innocētis rationē:*

Kemnisius. Parte 2. sess. 8. can. 7. pag. 2. 87.

Ibid. p. 283.

Beza. De repud. & divor. Ob. 11. pag. 111:112.

yet

yet both he diſalloweth of the iudgment of thoſe, that hold, that the innocent party is boũd, *dimittere potiùs quã illi reconciliari* (which is ſomewhat:) and afterward more liberally he addeth, that of the two, he rather alloweth of them, *qui reconciliandis potiùs, quàm ſublata omni ſpe inſtaurationis, ſeperandis conjugibus ſtudent*; (a great matter.) So, his meaning is this, that altho ugh he account them al but one-eied men, that in ſuch ſort labour to recõcile the party offending vnto the innocent, that they haue but little care how to provide for the innocent alſo: yet neither is he of the minde of thoſe, who account the innocent partie bound, rather to put away his wife offending, than to be reconciled vnto her againe; and (that more is) doth alſo allow, much more of thoſe that labour that attonement, than of thoſe that labour to ſunder them, without any hope of any reſtitution after. Afterward againe both he ſaith, that it were praiſe worthy, not to doe it without the leaue of the Church, and going againſt that opinion of *Bucer*, that ſeeing the Lord *would haue an adultereſſe put to death, he would not haue their huſbands to keep them*: he anſwereth, *hinc minimè conſequi, nefas eſſe maritis (ſi ceſſent Magiſtratus) uxores reſipiſcẽtes ex charitatis Chriſtianæ norma recipere. Lex enim illa, quid facere Magiſtratus, non quid privatos oporteat, præſcribit*. That is, that it doth not follow thereon, that it were any great offence, vnto huſbãds according to the rule of Chriſtiã charitie, to receiue their offending wiues, when they are penitent. For that Law (ſaith he) doth preſcribe, what Magiſtrates, not what private men are in ſuch caſe to do. Laſtly, *Zegedinus* in thoſe common places of his, which in tables were publiſhed 1585, moving the queſtion, whether the innocent partie, if he cannot containe may marry againe, he anſwereth,

Sect. 5.

Pag. 113.
Pag. 115.

Zegedinus. De coniug. & divor. Tab. 2. pag. 354.

Sect.6. *Bona conſcientia id facere poteſt, at non abſq; Eccleſiæ, at etiam pij magiſtratus venia, ut infirmorum offendiculis occurratur.* That is, with good cõſcience he may: but not without the Licence of the Church, & of the godly Magiſtrates too; that the weake be not offẽded thereby. In al which we ſee, that they do not ſo abſolutely allow of divorce and marrying againe, but that themſelues alſo doe ſomething reſtraine it, leſſe or more, as euery one is therein perſuaded. So that if in the end it doe fall out (as for my part I thinke that it will) that in the written word they haue no warrãt to grant ſo much as they doe: then ſhall we leſſe marvell to ſee, that they doe ſo much abridge and take ſhort the ſelfe ſame thing, that otherwiſe they are ſo willing to grant.

Vpon how weake reaſons they haue grown to this reſolution.

6 When in this ſort they haue reſolued; then are we to ſee, what other things they haue beſides, which may be ſome warning vnto vs, to take heed, that we reſt not too much on their iudgements: and thoſe may wee account to be of two chief & principal ſorts. Firſt the reaſõs alleaged to haue induced them ſo to determine: then, the Proteſtations that they haue ioined therevnto; and, as it may ſeeme to qualifie the hardnes of their iudgement therein. As touching the reaſõs that induced thẽ ſo to determine,

Eraſmus. *Eraſmus*, when firſt he opened that paſſage (to himſelfe & to thoſe that would follow) was ſo careſull to ſet them downe, that it ſeemeth others did not after thinke it needfull, to proſecute the ſame any farther: and ſo ſhall we alſo contẽt our ſelues to goe no farther, but only to alleage ſuch reaſons as he thought meeteſt to vſe. And thoſe reaſons that he alleageth, me think, we may reduce vnto two principall ſorts: whereof ſome there are, that ſimply ariſe out of the matter that is in queſtion; others, that ſtand

but

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but only by the way of compariſon. Thoſe that ſimply ariſe out of the matter that is in quæſtion, doe ſome of thē more ſpecially concerne the ſubſtance of it: others againe, that are taken of ſuch matters as are but accedētary thereunto. Thoſe that concerne the ſubſtance of it, are all ſuch diſcommodities as commonly haūt diſorderly marriages (eſpecially thoſe, wherein the bond of wedlocke is brokē) which he thinketh to be ſo many and great, that S. Paule himſelfe would haue borne more with them in that matter, as he is perſuaded, if it had beene propounded vnto him. *Quod ſi Paulo* (ſaith he) *propoſita fuiſſet huiuſmodi cauſa, ſtultus cum ſtulta, puer cum puella contraxit, interceſſerunt lenæ, vinum, temeritas, arte in naſſam inducti ſunt &c, nihil inter coniunctos convenit, tanta eſt morum & ingeniorum diſſimilitudo, rixæ iuges, odium immedicabile, timetur venenum, timentur cædes, nihil nō malorum expectatur, neuter cælebs poteſt vivere, &c: fortaſſis pro cauſæ circumſtantiis, aliud reſponderet Apoſtolus, & nonnihil relaxaret de rigore cōſilii ſuperioris, ſuáq; ſcripta civilius opinor nobis interpretaretur, quàm nos interpretamur.* that is, But if this caſe had bin propounded to Paule, one foole with another, a boy and a wench haue married together; bawdes, drunkenneſſe, & raſhneſſe were doers therein; by craft they were ſo far intangled: being ſo married, now they agree not, ſo divers are they in their waies and diſpoſition: continuall chidings, extreame hatred; poiſoning, and murder are feared alſo, and they looke for none other but for all manner of evill (each from other;) neither of them can liue ſingle: it may be, that according as the circumſtances of the caſe ſhould require, the Apoſtle would giue ſome other anſwere, & would let downe a good part of the rigor of his former adviſe, and would interpret his writings vnto vs Pag. 504.

more

Sect.6. more curteously then we our selues doe. In which his speech though there be some inconvenience besides: yet (leaving that to his proper place) now I bring it in but only to this end, to shew of what force he tooke the calamities of disorderly marriages to be to the matter he hath in hand; namely, to breake of, and to marry againe. For
Ibid. so he saith, *Si cohærent, bis perit uterq; : si mutetur coniugium, spes est utrumq; fore incolumem.* that is, If still they abide together, each of them doth certainely perish: if they may breake of, and marry againe, there is good hope, that both shall be safe. Those matters that are but accidentarie therevnto, and out of which he draweth some reasons likewise, are the Scriptures therevnto appertaining: and the iudgement of others thereon. Of the Scripture
Pag.505. he saith, *videbam Scripturam hac in parte, vt plerisq; esse perplexam, & ancipitem*, that is, that he saw the Scripture to be in this point, as in many others, intricate, and doubtfull: and therevpon (belike) accounted that he might bee the boulder to afford his patronage to this, when as hee thought that the Scripture would not bee against him therein. Out of the iudgement of others he chuseth out two severall considerations: one, that the olde and the new did not agree together; the other, that such things as were obiected by those that were of the cõtrary minde
Ibid. might easily be answered. For the former he saith, *Videbam veteres interpretes doctissimos, à recentioribus dissidere;*
Ibid. and for the latter, that he saw likewise, *ea quæ obiciuntur, facilè posse dilui, citra nostræ religionis injuriam*: and so reasoning from these (as I doe conceaue him) out of the former, that it should be no new, nor absurd thinge for him neither, to dissent from others herein; and out of the latter, that there were no danger of hurt to come thereby,

when-

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when as, by it, our religion ſhould be nothing impaired. Thoſe reaſons of his that doe ſtand only by the way of compariſon, are of two ſorts alſo: ſome, that ſtand in compariſō of perſons only; others, that compare the matter in quæſtion with others not vnlike decided already. The perſons are of two ſorts likewiſe: the Church or whole Body of the faithfull; and the Biſhop of Rome, then the ſuppoſed Head of the ſame in earth among vs. From the Church he draweth two reaſons: one, of the authoritie of it, that Chriſt did giue it; the other, of the good direction that it hath by the Spirit of Chriſt her huſband. For the former he ſaith, *Videbam quanta ſit authoritas Eccleſiæ à Chriſto tributa, cui dederit claves regni cælorum*; and ſo, that ſhe might well ſet it downe, by the authority to her committed: and for the latter, that hee accounted with himſelfe, *Eccleſiam habere ſui ſponſi Spiritum, neq; poſſe non rectè ſtatui, quod ad hominum ſalutem, illo authore ſtatueretur*; and ſo gathering thereby, that if ſhee ſhould take ſuch order, it muſt needs be well ordained. From the Pope, hee draweth other two reaſons likewiſe: one, of a ſpeciall good likelyhood, that he would be moſt willing to helpe in time of need: the other, of the abilitie or power that he conceaueth him to haue to doe good therein. Of the former of theſe he ſaith, *Videbam quàm eſſet ingens Romani Pontificis clementia, qui ſuccurrat etiam iis qui apud inferos, citra periculum exitii æterni, cruciarentur*, thereon gathering, that ſeeing his compaſſion is ſo greate towardes thoſe that are none of vs now, it cannot be, but that much rather he wil help thoſe that are ſo much neerer vnto him Of his præſuppoſed power, he reaſoneth likewiſe two ſeverall waies: one waie, out of the generall conſideration of the whole; the other, out of a more ſpeciall conſidera-

Ibid.

Ibid.

Ibid.

Sect.6. tion of it, as it hath beene imploied, and what force it hath had in matters of much like nature to this. Of the former

Ibid. he saith, *Videbam hoc tribui Pontifici Romano, ut Evangelicam & Apostolicam doctrinam interpretetur, astringat, laxet, dispenset, & iuxta quosdam etiam abroget aliqua in parte*: so gathering thereby, that seeing it is so commonly giuen to the Bishop of Rome, not only to interpret the holy Scripture, but also to enforce the same somewhat further, and to let it downe againe when hee thinketh good, or to remit some part of it, as also to dispense therewith, and (in the iudgement of some) even to abrogate some part of it also; then need not he (as I doe conceaue him) be thought to importune him too much, that doth but commẽd this to his good consideration, & no further neither thẽ himselfe shall thinke good to deale therein. In the latter hee doth not only set downe the ground of his reason: but himselfe also addeth (more then before) what it is that he gathereth out of the same. The ground of his reasõ there-

Ibid. in is, that he saw, *per Romanum Pontificem personas reddi inhabiles, quos neq; natura, neq; lex diuina fecerat inhabiles*: that is, that certaine persons were by the Bishop of Rome made vnable (to marry) whom neither nature, nor the law of God had made vnable. That which himselfe doth gather out of the same, is, that it seemeth to be *eiusdem potestatis, hominis autoritate vetare ne coeat matrimonium; & efficere, ut dirimatur matrimonium*. That is, of like power that by mans authority mariage may bee prohibited to any, and to bring to passe, that when it is made, it be broken againe. Those other matters not vnlike to this, decided already, out of which he bringeth some reasons also, are first the allowance of diuorce by men of great reckoning: then also the breaking óf, both of espousals and mariage also, in

diuers

divers cases. For the former of those hee saith, *Videbam viros olim probatæ doctrinæ, sanctimoniæque, non fuisse deterritos Evangelij, Paulique verbis, quo minus admitterent divortium:* and (for further confirmation of their doing) he addeth, *videbam quædam secus posse exponi, quam hactenus exposita sint.* That is, that hee hath noted divers men in times past, of vndoubted learning and godlinesse, not to haue been terrified by the words of the Gospell, and of S. *Paul*, but that they haue (sometimes) admitted divorce: & that certaine places (belike that seemed most against thē) might be otherwise expounded, then hitherto they haue beene. (Which expositions if we may account thē those, that himselfe in that Treatice bringeth in, thē is it not vnworthy the marking, whether most of those that are of that minde, doe not since themselues also vrge them vnto vs, as the truth indeede, without any great examining of them, how they stand with other Scripture.) For the former of the other two, espousals I meane, he saith that hee saw, *ob professionem instituti humani, ob mutatum pallium, sponsum legitimum fraudari sua sponsa:* that is, that for the profession of some ordinance of man, even for the changing of the attire, a man lawfully espoused or handfast, should be defrauded of his espoused wife. And for the latter, that he saw likewise in that age of his, *matrimonium dirimi ob errorem personæ & conditionis, etiam consummatum coitu:* and, *ob lapsum in hæresim, etiam illud dissolvi, de quo dubitari non poterat, quin verum esset matrimonium.* That is, that he had seene likewise, marriage to be accoūted void, for the error either of person or condition, although it were consummate before with copulation: and that, for falling into heresie, such marriage also was held as brokē, which no body might doubt of, but that it was true mar-

Sect. 6. Ibid.

Sect. 6. riage indeed. In all which (these his last reasons I meane) it seemeth that his inference is, that if so many waies men make them so bold with that holy ordinance, to alter and dispose thereof in such liberty, as in these cases they doe: thē may no body thinke much with him, for no more but propounding of that, which he taketh to bee much better warranted, even by the doctrine, and plaine wordes of Christ himselfe. That vpon these his aforesaid reasons he thought good to propounde this matter to bee farther thought on by others, and that therevpon hee doth no more but propound it neither, may sufficiently appeare both in the words that he vseth withall: as namely, when a little before his reasons, and in the ende of handling the matter it selfe, he saith, *Hæc tamen paucis libuit delibare, quo doctis ac studiosis uberiorem cogitandi materiam præberemus:* and immediatly after, *His rebus commota charitas Christiana, proposuit ijs qui me plus cernunt, dispiceret, si qua ratione sermo Evāgelicus ac Pauli dispensari posset ad plurimorum salutem, &c.* And anon after, *Quod si hoc quod opto, fieri non potest, certè illud potest statui, ne matrimonia præter veterum omnium morem, præter æquitatem naturalem, tam facile, ne dicā tā temerè, coeant.* That is, yet these few things I thought good to giue in as a taste, that I might giue occasion vnto the learned and studious, to thinke better therevpon: and, which followeth, that Christian charity being moved herewith, hath propounded thus much to those that doe see farther thā I, to the end that they should cōsider, whether by any meanes that speech in the Gospell, and in S. *Paul*, might be dispensed, to the good or safety of manie. But if that which I wish may not be obtained, yet certainly there might bee order taken, that mariages shoulde not hence-forth be so lightly, and so rashly made, so far vnlike

to

to all former good vſage, yea and to natural equity it ſelfe. Which things I haue more ſpecially noted for two principall cauſes: one, concerning the validitie or force of the reaſons he bringeth; the other, how far he buildeth thereon. The force of the reaſons the greater it is, the iuſter cauſe was there then, & yet is, to helpe forward that motion ſo well as we can: the weaker they are, the leſſe neede wee to account our ſelues vrged thereby, to follow the courſe that they may ſeeme to commende vnto vs. How far he buildeth theron would be marked likewiſe, becauſe he doth proceed no farther thereon, but to make this motion only: whereon, if others ſince haue ſet an heavier building, by over-ruling that point as a manifeſt truth, that crept in but (as it were) two daies before, as a poore and a doubtful queſtion, it ſeemeth to me, either that they haue more and greater reaſons wherevpon they are gone ſo farre; or els (which I rather thinke) that they haue raiſed more building thereon, than the foundation is able to beare. *Sect. 7.*

7 What proteſtations they haue thought good to ioine therevnto, (& belike to qualifie the hardnes of their iudgment therein) is ſo much the more needfull to be cõſidered, for that otherwiſe we might either charge them farther than iuſtly we may; or, ſuffer our ſelues to be carried farther by them than we ought. Both which are (ſo much as we may) to be avoided: the one, for the duty that we owe vnto them; the other, for the care that we ought to haue of our ſelues. In which although chiefly I meane to reſt on *Eraſmus*, alſo for that hee was (ſo much as hee was) our leader herein: yet ſhall it not be amiſſe, ſomwhat to heare ſome others alſo, eſpecially one, that moſt of all hath advanced that perſwaſion in theſe our daies. In *Eraſ-* What proteſtations they vſe withall.

Sect.7. *mus*(we finde,some part of those his protestations to appertaine to that whole worke of his wherein his Treatice is of divorce,& marrying againe (his Annotations on the New Testament) and some part of them more properlie to belong to that very matter, that now we haue in questiō among vs. Of those that belong to that whole worke of his,I haue noted a couple:one, that sheweth how little he arrogateth vnto himselfe therein; an other that doth shew likewise, what liberty hee leaveth vnto his Reader.

In præfat. pag.ult. For the former he saith,*Nos ad utrumq; juxta parati sumus, ut vel rationem reddamus si quid rectè monuimus, vel ingenuè confiteamur errorem sicubi lapsi deprehendimur. Homines sumus,& humani nihil alienum à nobis esse ducimus.* That is, We are alike ready to both these,either to giue a reasō of it,if any where we haue advised wel,or plainely and readily to acknowledge our error,if any where we be found so farre to haue slipped.For the latter he saith likewise (after that hee craved but such indifferencie as is afforded to all offenders at the Barre generally, namely ,that his booke may first be read, before it be condemned by any.) *Legat prius ac inspiciat, deinde si videatur, damnet, ac rejiciat.* That

Ibid. is,Let a man first read it and looke into it, and then, if hee thinke good let him condemne it,and cast it from him. Of these that doe more properly belong to that very matter that is in question, I haue noted likewise a couple in the beginning of that his Treatice:& one other, towards the end. In those that he hath in the beginning first he protesteth his own good meaning therin,that he doth it but to enquire of the truth,and not to bee contentious therein: then after,he setteth good reasonable bounds for the bet-

In 1.Cor.7. pag.491 ter deciding of it. As touching the former, his words are these,*Ut semel in hujus operis initio sum testatus, perpetuò te-*

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ſtatum haberi par eſt, in toto opere me nuſquam eſſe velle contentioſi dogmatis autorem; tantùm juvandi ſtudio monere ſtudioſos: ſemper inconcuſſo, & illabefacto judicio ſacroſanctæ Eccleſiæ; et eorum quibus uberius donum eruditionis et ſapientiæ contigit à Chriſto: that is, As once in the beginning of this worke I did acknowledge, I thinke it meete to bee acknowledged ſtill, that throughout the whole worke I wil never bee author of any contentious opinion, and that my meaning is but only to admoniſh the ſtudious for their help: alwaies reſeruing the judgement of the holy Church, and of thoſe on whome Chriſt hath beſtowed a better gift of learning and wiſdome, altogether vntouched by me. As touching the latter he ſaith likewiſe a little after, *Ceterum, ſi ſemper hoc bonis viris cordi fuit, opinionem in melius commutare, & leges ſeu pharmaca cõvenit ad morborum habitum & rationem accommodare, conſideremus an hic expediat idem fieri: &, ſi expedit, an liceat ut matrimonia quædam dirimantur, non temere, ſed gravibus de cauſis, neque per quoſlibet, ſed per Eccleſiæ Præfectos, aut Iudices legitimos: & ita dirimantur vt liberum ſit utriq;, cui velit iungi, aut alteri certè, qui divortio non dedit cauſam.* that is, But if it ever pleaſed good men well, to change their opinion vnto the better, and if it be good to frame our Lawes even as medicines vnto the nature or maner of our diſeaſes, let vs cõſider, whether in this alſo it be good ſo to doe: and if it be expedient, whether (then) it be lawfull or permitted vnto vs, that certaine marriages may be broken aſunder againe not lightly, but when the cauſe is weightie, nor by any whomſoever, but by the Governors in the Church, or other lawfull Iudges: and that thoſe marriages may in ſuch ſort be broken aſunder, that it may bee free for either party to marry againe where they thinke good, or at leaſt for the

Sect. 7.

Ibid.

Sect.7. the one of them, the same that gaue no cause of divorce. That which he hath towards the end, is much like to the former of these, and of the same nature with it. For whē he hath before protested, that he did propound this but to whet vp the studious to a further consideration of it, hee

Ibid.pag. 505. inferreth therevpon, *Nec vllo pacto iudicio maiorum ob hæc præire conamur, multo minus Ecclesiæ Catholicæ.* that is, Neither doe we in any wise hereby desire, to prevēt the iudgement of our betters, much lesse of the Catholike Church. Those others that I haue thought good to bring forth to be heard in this cause besides, are two: Peter Martyr; and

P.Martyr. Beza. *Peter Martyr* though he runne the selfe same course in effect, that Erasmus had before propounded and laid it open to those that would: yet both hee would haue the Magistrates leaue first obtained as wee saw before, & hauing then set downe a good peece of his minde before for that matter, in fiue whole Sections, in the end of the fift

In 1.Cor.7. & 7.et in Loc.com. Sect.56.p. 302. he addeth, *Hæc à me sic traduntur, ut melius, ac sanius consilium perpetuò sim paratus, & audire, atque admittere.* that is, These things are in such sort delivered by me, that I am ever ready, both to heare and to admit any better & sounder advise. Which words of his if wee restraine onely to that point that immediately goeth (in that place) before, both I should thinke that wee should doe him manifest wrong, and that his owne very wordes (not speaking of one, but of more) would much favour our conviction therin: and if we enlarge them vnto the whole, or to the drift of his opinion in all those points before delivered, then may we see that he was not (as some others are) so peremptory therein, but that he professeth that he would be ready so far to change, as at any time he should see any better. Beza is more resolute in it, and hath more largely

handled

handled that argument; yet may we ſee, that he alſo doth ſomething moderate himſelfe therein: and that, both in his Epiſtle prefixed before the Booke that he wrote; and afterward alſo, in a ſpeciall point of the Treatice it ſelfe. In his Epiſtle it ſhall be good to conſider, firſt what he ſaith for the matter it ſelfe: then, of his owne dealing therein. Sect. 7.

For the matter it ſelfe he ſaith, that *Nihil prohibet de iſtis quæri & diverſas eorũ ſententias audiri, quos apparet veritatis inveſtigandæ ſtudio duci, modo publica authoritate receptis pertinaciter non obſiſtatur.* that is, Nothing letteth, but that theſe things may be called in queſtion, and the opinions of thoſe be heard, who ſeeme to be led with a deſire to ſearch out the truth, ſo that no ſtubborne reſiſtance be made to ſuch things, as are by publike authority already receiued. Of his own dealing therein he ſaith likewiſe, both that he could not ſatiſfy himſelfe therein: and that his minde was not, any way to preiudice the iudgement of others. For as touching the former, his words be theſe, *Neq; verò ipſe mihi in hoc argumento ſatisfeci: ſed doctiorum theologorum ſtudia mihi ſatis fuit commoviſſe.* that is, Neither could I in this argument ſatiſfy my ſelfe: but it was enough for me, to haue ſtirred vp the ſtudies of more learned divines. As touching the latter, he ſaith likewiſe, *Ego, quid mihi de iſtiuſmodi multis videatur, quaſi vnus quiſpiam expoſui, nec cuiquam præjudicium factum volui.* that is, What my mind is cõcerning many ſuch things as theſe, I haue, as one of the reſt, declared and would not that any ſhould be prejudiced thereby. That which hee hath in a ſpeciall point of the Treatice it ſelfe, is, that there handling the queſtion, whether the innocent party bee bound in conſcience vtterly to abandon his wife, or if ſhee repent

Opuſc. vol. 2. pag. 3.

Ibid.

Ibid pag. 4.

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pent, to take her againe, though there he acknowledgeth that it is not his part to send them away doubtfull therein: yet he taketh hold of an other part of his function also (*non vt leges cuiquam præscribam*) that hee was not then to prescribe any lawes vnto them, & so may seeme thereby to acknowledge, that albeit he then declared his mind therein, yet meant he no otherwise, but to leaue them vnto the freedome of their own iudgement withall. Againe *Dixi quid mihi hic videatur: suum cuiq; liberum iudicium esto, modò ex verbo Dei quisq; sapiat.* that is, I haue shewed what is my iudgement thereon: let every one be perswaded therein as himselfe thinketh good, so that he ground himselfe therein, on the word of God.

De repud. & divort. pag. 114.

How far we may gather hereon nothing at all to their disgrace; but only to our own better instruction.

8 Now that we may more orderly gather what wee are to thinke of these resolutions, alleaging of reason, and protestations, so doubtfull, so limited, and so-fensed speaches, and how far we are to take the advantage of them, and withall to shew, why I haue in this place presented a certaine of them vnto the view: I am here to admonish, first that one way there is, wherein it may bee that some will take them, which in no wise is meant by me, but another there is, which willingly I doe acknowledge to bee my meaning indeed. That which is not meant by me, is, if any should so take them, as if I had alleaged them in the way of disgrace to those that wrote them: a thing of that nature, that neither might I iustly doe it: neither would I though so I might. I might not iustly doe it, because there were no cause so to doe. For the case being such as it is, they could write no more certainely, nor more boldly then they did so long as yet they did not espie how wrong they were, in some of the maine principles of it. So that in such case they are so far from the desert of iust

reproofe

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reproofe, for not being reſolute, but vſing great warines and limitation in all ſuch ſpeeches as thereof they deliver, that it rather deſerueth right good commendations, that in a caſe ſo intricate, doubtfull & ſtrange (as they did take it) they framed their ſpeeches ſo ſutable vnto it: that as thoſe ſpeeches of theirs were ſufficient tokens to all, how hardly themſelues tooke vpon them to goe ſo far as they did; even ſo might they bee as good warnings to others, there to read with the better attention and judgement, & not ſo much to imbrace the opinion that ſuch haue conceiued, as to examine and ponder the reaſons, whereby they ſuffered themſelues to be thereunto induced. And although it be expected at the hands of all that are to leade others, that they be reſolute in that which they teach: yet if at any time the caſe be ſuch, that iuſt occaſion bee giuen to giue in their iudgement of ſuch things as yet are not (among the learned) ſo fully decided, then is there no more at their hands expected, then to deliuer their minde accordingly. In a firme, plaine, ready, & beaten way, howſoeuer men are wont more freely to ride: yet if it be couered with ſnow, rough, or ſtony, or yeeld any ſemblance of quickſands or miers, although in ſuch caſe there are founde ſometimes, that then alſo will ride freely enough; yet was it ever, and ever will bee accounted more wiſedome, in al ſuch caſes to be more warie. Examples hereof we haue very many, whereſoever the Scriptures haue not ſo fully declared thoſe thinges that nevertheleſſe wee thinke are enough decided by them; as, at what time the Angels were made: or, when the matters are prophetical, and extend to a farther time then is conceived; as, the manner of Antichriſt and of his comming to the Fathers of old, and of the calling of the Iewes and

Sect. 8. Turks to the knowledge of Christ before the last daie, to vs now. Of which things (and some others besides) those that haue written (even the best of them all) may easily be found to haue divers ambiguous and timerous speeches: and yet notwithstanding are not therein to be hardly cẽsured neither, for that (as those matters are) there was nothing more that iustly might be expected of them. And so to come to these others againe, as in right I might not seeke their disgrace thereby, as having no sufficient grouñd worke vnto it: so God forbid, that if I had, yet I shoulde at any time haue that meaning with me, being as they are, not only partakers of the selfesame Grace with vs; but also such instruments to the advancement of the glorie of God, and so comfortable lights to all the faithful in these our daies, as that the Church of God hath seldome (if at any time) had, for those matters, a greater blessing. That other which is my meaning indeede, is, no more but to note, that seeing they are not, in that matter, more fullie resolved, there is no certainety (nor any great good likelihood neither) for any to ground themselues vpon, that gladly would take vp that opinion with them. If we had found them so resolute in it, that, without any doubting, and without referring themselues vnto those that might see farther therein, they had flatly & boldly pronounced, that it was the vndoubted word of God, though therein also (in accepting of it) we might haue beene deceived, as not looking vnto the matter it selfe, with our owne, but with other folkes eies: yet had that beene a more tollerable error a great deale, and more easie (by many degrees) to be excused; especially to those, that in such cases are (in many things) to depend vpon others, either for that they are otherwise imploied, than that they may giue thẽselues

to

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to ſuch reading as ſuch matters require, or, if they may, yet haue they not that depth of iudgement, that ſuch thinges require. But when as themſelues, whome we are content to make our leaders therin, being in other things reſolute inough, and as bould as Lyons, do not ſet downe their opinion in this, but with great warines, doubtfulnes & feare, with ſo many cautions & allegations, with ſuch ſubmiſſions and proteſtations: it would be no ſmal wõder to me (but that I know, how inclinable to ſuch things we are by nature) not only that any ſhould bee ſo looſe as to enter that courſe, but alſo, that any ſhould ſo much as cõceiue that ſuch kinde of ſpeeches ſhould be likely to yeeld any ſuch ground, as whereon a man that were willing ſo to do, might bee bold to build, and to make no doubt but that he had his warrant with him. We know wel enough (and in many other things ſtrongly hold it, againſt the adherents of the Church of Rome) that we may do nothing at all but only that, for which wee haue ſome vndoubted warrant in the written word: and yet notwithſtanding (I will not ſay, that I wote not how it commeth to paſſe, for that it is by our own bad inclination) wee are ſo farre bewitched in this, that finding great ſtaggering in thoſe that are the ſtrõgeſt for it, & moſt forward in defence thereof, we nevertheleſſe conceiue, that therein we haue warrant enough. So eaſie a thing it is to bend thoſe, that ſo handſomly crooke to ſuch purpoſe already: &, in the freedome we haue in Chriſt, ſo quickly to take holde, of an vnſeaſonable liberty of the fleſh. But here we muſt take heed we forget not, that as yet we doe not conſider what it is that they bring but only, that whatſoever it be, yet becauſe thẽſelues are no better reſolved, therefore may no body be ſo bold as to build vpõ them. We wil not yet deny, but that,

Sect. 9. for ought wee see yet, the truth indeed may bee as they cõceiue: but if themselues bee no better resolved, then though they haue the truth therein, yet because it is more then themselues doe knowe of, even that onely is enough for the time to stay vs, vntill wee see farther.

Of the places themselues. 9 That other part of that which themselues doe set downe for this matter, doth chiefly respect those places aforesaide, which they vse to bring in for that opinion of theirs: and partly the first foure places of them; but then especially, the other two. For seeing themselues doe rest but little in the first foure of thẽ, but yet very much in the other two: we also may briefly dispatch those others, and follow them only in those wherein themselues do thinke that they haue their chiefest strength. Those therfore that belong to the first foure of them, are no more but these two: one, cõcerning the nature of those places thẽselues; the other, as touching the gathering of them. Cõcerning the nature of those places thẽselues, it is no more but this, that, to see to, they do make much more against them (for that they note such kinde of divorce with so great reproach) than any way els they can make for them; take them to the best advantage they can. As touching the other, that is, how these doe gather vpon thẽ, it is no more but this, that from those places it is, that they gather some part of their weake cõclusions, as elswhere in a fitter place is declared: which also is, for any thing that yet I haue found, the only benefit that to that opinion of theirs, they seeke to draw from these foure places. Those that belõg to the latter two only, are much like to the others: one of them, in like sort concerning the nature of those places themselues; the other, not how weakely they gather on these, but how cleane they doe mistake them. The

The first 4. of them.

The two latter.

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nature of those places is such, as that although the text therein were such as they conceaue, yet even then also do they make but little for any divorce: the iudgement of the better sort of the learned being thereon, that neither Moses before, nor Malachie after, did simply allow it vnto thē but only in respect, or to some purpose, namely, to avoid some further evill. But now, if they doe mistake them withall, so that the Text (being better considered) can neuer be foūd to yeeld any such sense, as hetherto they haue conceiued, nor any thing at all for the opinion that they haue taken, then must their case be so much the harder, or rather their credit, on this behalfe, so very much sunke, as that their whole iudgement therein, may well bee called in question for it.

10. This mistaking of theirs therefore being a matter of so speciall importance, it shall be good more specially to consider, first, whether they doe mistake them, or not; then, if it fall out that so they doe, what we are to gather thereon, concerning the matter wee haue in hande. That they doe mistake them indeed, will soone appeare, if first we marke how they doe take them: and then examine that their taking of them, with such things as may be able to shew vs the truth therein. How they doe take them will best appeare by their owne speeches of that matter. First therefore to begin with *Erasmus*, that was so forward therein, it shal be good to marke how he mistooke it, not only when first he gaue forth his iudgement therein: but also, when afterward hee was so impugned for it, that thereby he might haue taken iust occasion to haue looked better vnto it. When first hee gaue forth his iudgement of it, *Divortium*, saith hee, *ipsa lex palam indulget*: that is, The law doth plainely allow of divorce.

How the places of Scripture were taken by them.

By Erasmus when first he gaue forth his iudgement on them.

Againe,

Sect. 10. In Annot. in 1. Cor. 7. pag. 503. Againe, *Lex permittat maritis, qualibet ex causa repudiare, modo dent libellum repudii*: that is, That the law suffereth husbands for every cause to put away their wiues, so that they giue them a bil of divorcement. Againe, *Viro permittit, ob causam quamlibet, mutare vxorem.* that is, He alloweth or suffereth the husband, to exchange his wife, for whatsoever cause he will. The same hee hath in so many other places besides (or at least the effect thereof) that it is euidēt, that it was not a slip in him against his own knowledge or wil: but his owne very iudgement, as he did then think that the Text it selfe would beare. As this one place more will sufficiently declare, wherein hee doth not only affirme it, as before, but also doth further reason vpon it.

Ibid. p. 505. *At mihi*, saith he, *non fit verisimile peccaturum fuisse Iudæum, si vxorem egregie sceleratam abiecisset, & alteram duxisset donum: quum id lex palam concederet, nihil addens, hoc datum duritiei cordis, præsertim cum ex sensu naturæ, non posset fieri, quod nos interpretamur. Et si concessum est duritiei cordis, utiq; licet, quod concedit Deus: præsertim si nullo signo declaret eos peccare, qui permisso vtātur.* that is, But it should not seeme likely to me that a Iew should sinne, who had cast away his wife being a very wicked woman, and married another, when as the law did plainely graunt it, not adding therevnto, that that was granted but for the hardnesse of their harts, especially when as, by naturall sense, that cannot be knowne, that we gather of it (meaning, as I take it, that it was graunted but for the hardnesse of their hearts, which wee Christians knowe by Christ, but they could not knowe by naturall reason.) And if it bee graunted vnto the hardnesse of their harts, yet it is lawfull that God hath graunted: at least, if by no signe he declare, that those doe offend which vse the libertie graunted vnto them.

them. By these wee may see, that *Erasmus*, when he wrote that Treatice of his for divorce for adultery and marrying againe, did plainly take it, that Moses in that place of Deuteronomie, had expresly or in plaine words allowed husbands to put away their wiues from them vpon dislike, so that they gaue them bills of divorcement withall. When afterward hee was so impugned for it, that thereby hee might haue taken iust occasion to haue looked better vnto it, yet then also, I doe not finde that ever hee espyed his former error, but that still he continued in it. Of those that did reproue him for it, we finde that he doth complaine of divers, and defendeth his doings against them so well as he can, as against *Natalis Bedda*, and another whome he doth not name, but he giueth a by-name vnto him, as him selfe thinketh good. Among all which (for no doubt there were many more besides those) it shall not bee amisse to consider somewhat more specially of his dealing about that matter, with one of thē, who may serue as a patterne thereof with the rest: as also I make choice of him rather then of any other, for that he was our owne Countrimā, and by Erasmus but vnthankfully vsed. It was one Master Edward Lee, at that time soiourning at Lovain for learning sake, and of so good towardnesse therein, that Erasmus himselfe when he came thither, sought his acquaintance, and imparted vnto him, that hauing set forth his annotations of the new Testament before, he was purposed now to set them forth againe, he craued his helpe to note vnto him whatsoever hee thought might bee amended. Which while M. Le did, and (as those daies were) in very good maner (as it seemeth by his owne defense, in his Apologie in the front of his Booke, in divers of his Censures on Erasmus Annotations, and in his answere to a

Sect. 18 Erasmus.

When afterward he was impugned for it.

Nat. Bedda Tom. 9. p. 366. Ibid. pag. 775.

Ed. Lee: In Apolog. sua Lovanii 4 Calend. Ian. 1519.

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couple of Eraſmus Epiſtles in the ende) Eraſmus ſhewed himſelfe to bee ſo netled therewith, that even that only doth much inſinuate, that himſelfe did now ſee, that in ſome things he had loſt the advantage. Elſe would he never ſo much haue ſought to ſhake him of with contempt as he did, charging him, that *nondum vllum in profeſsione Theologica gradum adeptus eſt, nec aliud quam artium liberalium ſeptem profeſſor*, that is, that as yet he had taken no degree at all in Diuinity, but only was a profeſſor of the ſeaven liberall Sciences, or as wee comonly ſay, a Maſter of Art. As ſhortly after he giueth this frump withall, that whereas M. Lee had ſaid, that he had left the ſtudy of thoſe liberall Sciences, and had bid them farwell, *eodem opinor tempore*, ſaith he, *quo dixit illis ſalve*: that is even the ſelfe ſame time, I thinke, wherein firſt he bad them good-morrow: meaning thereby, that therein alſo he had profited nothing at all, as preſently he ſaith more plainely (if more plaine may bee) that in thoſe things that he had written againſt him, there was *nullum veſtigium honeſtæ diſciplinæ*, that is, not ſo much as any one token of good learning in him: cleane contrary to that which every one may ſee, that ſhall read M. Lees writings againſt him. M. Lee himſelfe doth alſo charge him with much other baſe dealing beſides in that quarrel, and ſuch as did not become the order it ſelfe, whereof they were both alike partakers. *Vt cætera*, ſaith he, *omittam, quæ non tam contemptim haberi oportuit, vel hujus Sacerdotii ratio fuerat habenda tibi, quo ne me Chriſtũ Domini, ipſe etiã Domini, tam ſordidè fœdares.* that is, Omitting other conſiderations, in reſpect whereof you ſhould not haue had me in ſo deepe cõtempt, you ought to haue made ſome better accompt even on the order of Prieſthood (only, though there were nothing els beſides) than

In reſponſione ad Annotationes Ed. Lei novas ad annot. 17. Tom. 9. pa. 221.

In reſp. ad Epiſtolas Eraſmi fol. 140.

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than that you being annointed of the Lorde your selfe, should so fowly bewray me an(other such like) Annointed of the Lord likewise. But for the quarrel that was betwixt them, I meddle not with it: but leaue them both to their best advantage therein. Only thus much I gather, that whereas Mr *Le* was of such towardnes then, that *Erasmus* himselfe desired his acquaintance for his learning sake, and his special helpe therein, and not many yeares after became Archbishop of Yorke besides, it seemeth to me, that some where or other(and as likely in this as in any where els) *Erasmus* did leese some speciall advantage to Master *Le*, and so had he found in this I perceiue if Master *Le* had taken the advantage of it, and had called his aduersarie vnto the Originall. But *Erasmus* himselfe also being thus provoked, and much more thā so, yet he neither maketh his recourse vnto the Original: which notwithstanding in this case had beene much better, than so to labour the disgrace of those, that so wel had occasioned him to take that course. And nowe not to trouble the Reader with the like sentences of others(which notwithstanding I thought to haue done, & had provided them accordingly) least so I might haue growne tedious therein, I will no more but note whō I haue noted besides so to haue missed, & the places where those misses of theirs are to bee found: namely *Musculus*, on the fift of *Matthew*, pag. 111. *Peter Martyr*, in divers places, on the *1.Cor.7.* and, as it is placed in his Common Places *Sect.* 52. and 66. pag. 301, 3, 5, & 6. *Calvine*, in his Com: on the Harm. of the Gospels, on *Mat.*5.31, and 19,7. *Gualter*, on *Marke* 10, & *Malachie* the 2. fol. 399. 8. *Chemnicius* in his second part of the Exam: of the coūcel of Trent. *Sess.8.Can.7.* pag. 286, 8. *Beza*, in divers places of his Booke *de repudijs & divortijs*, a-

Musculus. P. Martyr. Calvine. Gualter. Mart. Chemnicius. Beza.

Sect. 11. Steph. Szegedinus. mong his *Opusc. vol. 2. pag. 113, 15, & 17.* And last of all *Steph. Szegedinus* in his Tables of Common places. pag. 348. 49. For that of *Malachie*, I haue not noted that *Erasmus* hath medled with it, but *Musculus*, *Peter Martyr*, *Calvin* and *Gualter* in the places before recited, and all others generally that are for divorce & marrying againe (so many of them as yet are extant that I haue seene) doe even so take it, after one and the selfe same manner.

That so taking thē, they did mistake thē

11 That in such sort taking those Texts, they doe (it may wel be, and is most likely) cleane mistake them, it will beast appeare by the several consideratiō of either of thē: first, that of *Deuteronomy*; then, that other of *Malachie* also.

First that place of Deuteronomie. 24: 1-4.

For that of *Deuteronomie*, first we haue certaine probabilities, that it was never intended there, to giue any licence of such Divorce: then also (as I doe take it) much other good proofe besides. Those probabilities that we haue, are some of them, out of the Text it selfe: and one besides, out of the practice of the godlier sort amōg them. Those that we haue out of the Text, are two: one, out of that place of *Deuteronomie*; the other, out of the fift of *Numbers*. In that place of *Deuteronomie* we plainely see, a kinde of punishment to be cast on him that so had put away his wife, namely, that if shee had marryed another, hee then should never haue her againe: and, to be giuē in, in reason thereof, that thereby shee is defiled; and that her defiling, in the iudgement of some, laid vnto his charge also. If thē the selfe same Text doe not only something punish him for it, but also charge him with defiling of his wife besids, euē only by that putting of her away at the first, it is most likely, that no such thing is in that place allowed. That other out of the fift of *Numbers*, is that lawe of Iealousie, which (being an harder course than this, and a great deale more

Per eū factū est &c. Trem. Iunius.

Num. 5: 13-31.

Sect. 11.

more busie; and a peculiar remedie ordained when a man hath his wife in suspition of adulterie, or when as it was so indeed, but without any witnes; and not allowing the man to go any farther, but to hold himselfe cõtent, if she, in such sort as there is set downe, should make her purgation) doth every way, me thinke, insinuate, that then there was no so easie a way as this, for a man (for lighter matters) to be rid of his wife when he would, and the same to stand good by the word of God. That which wee haue out of the practice of the better sort among them, is that same which the learned haue noted (as before I haue partly touched) that in al the Scripture we never read of anie of the better sort, that ever vsed the helpe of divorce: which notwithstãding, it is most likely, that many would haue done, if they had taken it, to haue beene so plainely, by God himselfe, permitted vnto them. That other good proofe that we haue besides, is the Originall or Hebrew Text and that by the iudgement of divers learned; & some of those that were for this Divorce and marrying againe, but since haue amended the mistaking that they had of the Text. The proofe that we haue in the Original or Hebrew Text, and that by the iudgement of divers learned, is, that now it is foũd to be otherwise in the Hebrew, thã our Trãslators, either old or new (a few excepted) of long haue borne vs in hand that it was: namely, that it is not, *he shall write a bill of divorcement*, or, *let him write a bill of divorcement*; but only, that he putteth the case if so a man should doe, and not that it alloweth the same. And the learned that now haue mended this oversight of old that long hath stood as currant among vs, are these. First, to my knowledge *Franciscus Vatablus* the professor of the Hebrew tongue at Paris, and after him *Benedictus Arias*

P. Martyr.

Imprinted by Robert. Stephanus. 1557 F. Vatablus.

Sect. 11. Ar. Montanus. Im. Tremel. Fra. Iunius.

Montanus a Spaniard, that had the chiefe ouerſight of the ſetting forth of that great Bible at the charges of the King of Spaine, and laſt of all *Immanuel Tremellius*, and *Franciſcus Iunius* together. All which in their Tranſlations haue very plainely amended the ſame: & declared withall, that in that place there is no mention at all, of any divorce allowed vnto them, if recourſe bee had to the Hebrew it ſelfe. Thoſe that were for divorce & marrying againe, and that firſt hauing erred in this Text that now we ſpeake of haue ſince amended the ſame againe, are two, and thoſe of ſpeciall account among vs, as of good right they ought to be: M. Calvine, the one; and M. Beza likewiſe the other.

M. Calvine.

As touching the former of them, whereas, ſetting forth his Commentaries on the Harmonie of the Goſpels in the yeare 1555. he then was of opinion (as before I haue noted, and is there to be ſeene of any) that *Moſes had commanded*, a Bill of divorce ſhould in ſuch caſe bee giuen to the wife: afterward, hauing further occaſion to looke better vnto it, by gathering foure of the Bookes of Moſes into an Harmonie alſo, which accordingly he did, and publiſhed it about eight yeares after, in the yeare 1563. he did then amend his former reading of the Text it ſelfe, and in his Commentarie thereupon did ſet downe his iudgemẽt accordingly alſo. As, among other things of that nature, he cometh in with theſe words following. *Quidam interpretes non legunt hos tres verſus vno contextu, ſed plenam ſententiam eſſe volunt, vt maritus teſtetur ſe divortium facere cum vxore, non ob crimen, ſed quia formæ venuſtas eius libidini, non ſatiſfaciat. Si quis tamen propiùs attendat, facilè videbit, vnum eſſe duntaxat Legis caput, nempe, vbi quis vxorem repudiaverit, fas nõ eſſe iterum eam ducere ſi alteri nupſerit.* that is, Certaine interpreters (among whome himſelfe

In Harm. in li. Legis. p. 304.

ſelfe was one, a few yeares before) do not read theſe three verſes (there be foure in all, & ſo doth himſelfe ioine thē) in one period: but will haue one full ſentence to bee, that the husband teſtifie, that he doth not divorce his wife for any crime, but becauſe her beauty or favour did not content him. But if any do better mark it, hee ſhall plainely ſee that the law that there is ſet down, hath but one braunch only, which is, that whē any hath once put away his wife, it ſhould not be lawful for him to take her againe, if in the meane ſeaſon ſhee had married another (albeit the other were now dead, or had put her away likewiſe.) Where alſo it is to be noted, that now he accounted it to bee verie plaine, for that hee ſaith, that a man that heedeth it, may plainely perceiue it; and that ſo he inſinuateth, that it was but want of heede taking that therein deceived many before, as yet alſo it doth, where it is not the better heeded. Yet divers then began to eſpie it, and in *Vatablus* his Bible of 1557. it was plainely noted, aboue fiue yeares, before that M. Calvine publiſhed this that now wee ſpeake of. Maſter Beza, for any thing that yet I haue found, is not ſo plaine herein, as is M. Calvine, yet hath he enough of this alſo, to content any reaſonable man. For whereas in that Treatice of his, *De repudiis & divortiis*, which he publiſhed 1573. he ſheweth himſelfe divers times ſo to haue miſtaken that place, as others before were wont to doe, and that ſo ſtrongly, that out of the ſame hee reaſoneth alſo, that it could not bee that a man was bound to forgiue his adulterous wife (by that example of God obiected out of the 3. Chapter of Ieremie, and the firſt verſe of it) for that then it ſhould follow, *illos peccaſſe qui legem illam Moſis ſervarunt, cuius ibi facit mentionem Ieremias, quod abſurdum eſt dicere, quum eam è contrario ſervari oportuerit*: that is, that

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Mr Beza.

Ib. pag. 115.

Sect. 11. that they ſhould ſinne which did not obſerue that law of Moſes, whereof mention is made Ier. 3. 1. which were abſurd to ſay, when as, on the other ſide, it was to bee obſerued (which whence it cometh, was apparant enough, if it be tried by the rule which M. Calvine before ſet down; and then ſo much the rather to bee condemned thereby, as we may plainely ſee, by the conſideration of the time, that that wonted overſight of miſtaking that place was eſpied, & noted ſo neere vnto him, ſixteene yeares before that he did publiſh this booke of his:) yet afterward (whē Benedictus Arias Montanus alſo had publikely noted that wonted overſight againe, two yeares before) hee, in the yeare 1577, in that booke of his which is intituled *Lex Dei moralis, cæremonialis, politica*, ſo ſetteth downe the Text it ſelfe, as *Vatablus*, and *Arias* had done before, and Tremellius and Iunius ſince (and according as the Hebrew it ſelfe is) ſaving that he maketh a full period at the ende of the firſt ſentence, whereas there is none indeed, nor ought to be, till the ende of the fourth, which might eaſily bee the fault of his Printer. And ſo, by his owne reading now, it is no *abſurd thinge* to ſay, that thoſe of the Iewes ſinned which then did put away their wiues; neither was that law ſo to be kept, neither did Ieremie make mention of any ſuch law of Moſes, neither did Moſes ever make it. Thē the which, I thinke we neede no more for this matter. But if we doe, then himſelfe alſo, even in that his Booke *de repudiis & divortiis* doth acknowledge withall, that *eiuſmodi divortia etſi lege civili tolerabantur, tamen in foro conſcientiæ nunquam licuerunt*. that is, that ſuch divorces, although they were tolerated by the Civill Law, yet in court of conſcience they were never lawfull. Where we may note, that although it bee reſtrained only to ſuch di-

Ben. Ar. Mont.

Lex Dei etc. Pag. 75.

Fr. Vatab. Tremel. Iun.

Ib. pag. 115.

vorces;

vorces; yet now he graunteth, that which he accounted the law of God before, is of no force in the court of conſcience: a matter ſufficient, being well conſidered, mainely to croſſe the force of the other. Sect. 12?

12 Concerning that other of Malachie, we haue not ſo much for it, in reſpect of the words or letter of it: but yet ſomewhat more, if we goe to the meaning, as there it is applied againſt the people then. For as touching the words or letter of it, neither Vatablus, nor Arias Montanus did for this matter ſwarue from the wonted reading: but then we haue, both the judgement of the Septuagint of old, and Tremellius & Iunius of late that doe. The Septuagint read thus (as Ierome himſelfe doth ſet downe;) *Si odio habens dimiſeris eam, dicit Dominus Deus Iſrael, operiet impietas cogitationes tuas, dicit Dominus omnipotens.* that is, If hating (her) thou ſhalt put her away, ſaith the Lord God of Iſrael: impiety ſhall cover thy thoughts, ſaith the Lord Almighty. By which reading of theirs wee may plainely ſee, that they giue not liberty vnto him that hateth his wife to put her away: but plainely ſhew, that the Lord miſliketh it, if ſo he doe. But Tremellius and Iunius doe plainely alter the reading alſo, referring the hating that there is ſpoken of, vnto the Lord, that he doth hate al ſuch putting away of their wiues. For whereas the common and wonted reading of the place is, *If thou hateſt her put her away ſaith the Lord God of Iſrael*: their reading now is, *Sibi odio eſſe dimiſſionem ait Iehova Deus Iſraelis.* that is, That the Lord God of Iſrael ſaith, that he hateth ſuch putting away. As touching the ſenſe or meaning of this place notwithſtanding the reading ſtand as it was wont, *Si odio habeas dimitte &c*, Firſt Mr Calvine ſaith thereon, *Hic rurſus Propheta exaggerat crimen illud, quod pro nihilo ducebāt*

Then that other place of Malachy 2.16.

Vatab. Mont.

Septuag. Trem. Iun. Tom. 6. fol. 131.

in Mal. 2. 16. pag. 778

Sect. 13. *Saterdotes, dicit enim gravius eos peccare quàm si vxores repudiarent. Scimus tamen repudium nunquam fuisse permissum divinitus, proprie loquendo, nam etsi fuit impunitas sub Lege, non tamen fuit permissio.* that is, Here againe doth the Prophet exaggerate that crime, that the Priests did make so little account of, for he saith that they sinne more grevously, then if they had put their wiues away. But divorce we knowe was never permitted of God, if we speake properly. For although there was no punishment for it vnder the law: yet was it never permitted. And after againe, *Hæc igitur ratio est cur Propheta nunc dicat, Si odio habeas dimitte: non quod veniam concedat repudio, quẽadmodum diximus: sed vt hac circumstantia crimen augeat.* that is, This therefore is the reason why the Prophet doth now say, If thou hate (her) put her away; not that he giueth them leaue to divorce, as before we said; but that by this circũstance hee sheweth the fault to bee so much the greater. Which also is the iudgement of others. So in the former of these two places we finde, not only the Hebrew it selfe and divers of the learned (of speciall account) to shew that the place was cleane mistaken before: but also, some of the chiefe of those that are for divorce and marrying againe, in effect to acknowledge their former oversight therein. In the latter we haue, both those seaventie Interpreters of old; & two of speciall account of late, to shew the very letter therein also to be mistaken: and, though it doe stand after the wonted manner of mistaking; yet that the sense is such, as in no wise alloweth them so to doe, as the words doe seeme to leaue vnto them.

How far this mistaking of theirs is to be vrged against thẽ.

13 What we are to gather thereon, concerning the matter that we haue in hand, is now to be seene: a matter that may be in few words sufficiẽtly opened; but yet not-

with-

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withstanding so much the meeter to haue a distinct place by it selfe, as it is good that it should appeare how farre it stretcheth, or what bounds they are we prescribe vnto it. For otherwise it might arise in the conceit of some to thinke, that my meaning is, out of the credite or learning of these that I haue brought in, to shew how farre those that are for divorce and marrying againe, haue mistaken these places aforesaid, to conclude that these places must needs be so as these others haue now translated them; or at least, that their opiniõ therein is the likelier of the two: and therefore that those that otherwise tooke them, were therein without question deceived; or at least, of the two, most likeliest to be. And the truth is, that my selfe am so persuaded, as I haue already declared: & haue no doubt, but that therein I am not wrong. But yet that is not the thing that now herevpõ I mean to infer, because I haue no need at all so far to vrge either their credite or learning therein. My purpose therefore is no more but this: to shew that such as think they haue warrãt enough in the word of god to put away their wiues for adultery & to marry againe, for that so many of the learned (& of the reformed Churches, as some do like rather to say, though in this there be no reformation at al) are of the same iudgement likewise; may nevertheless finde hereby, that their warrant is not so sure, as they before had thought that it was. Vnto which (so lõg as we go no farther thẽ so) we haue no need so farre to vrge them; but may wel enough content our selues with this, that those places are not so taken by all, but that there is, among the learned themselues, a manifest diversitie of iudgment therein: leaving the deciding, or the over-ruling of the question it selfe, to fall out vnto those that shal haue the better part in it; and the desire of

Sect. 13. it,to thoſe likewiſe that ſhal need it more than we. It is enough for vs,vnto the purpoſe that now we haue in hād, to be able to ſhew,that divers of the learned (and thoſe of good accoūt likewiſe)do not allow ſuch help vnto them, as out of thoſe places they thought that they had. Now, whether thoſe that do allow it, or thoſe that now withdraw it frō them, are the righter,or neerer vnto the truth therein,that wil we not ſticke to refer to a farther time to be farther decided (if neede be) among the learned themſelues:vrging it no farther at this preſent,but that it is not to be accoūted an vndoubted truth,or a point out of queſtion,that any liberty was at any time given, by the law of God,ſo eaſily to put away their wiues, as thoſe places imported, as hitherto for the moſt part they were delivered vnto vs. For ſo wil it plainely enough fal out,that whereas the moſt of our learned that are for this kinde of divorce and marrying againe, doe much the rather,as I doe take it,incline therevnto vpon ſuppoſal that *Moſes* firſt, & *Malachie* after, had allowed it for leſſer cauſes vnto the Jewes(ſo inferring,that then thoſe words of Chriſt, that are of that matter,might wel inough be takē,as if Chriſts meaning therein had beene,that for adultery himſelfe alſo did allow it vnto vs:)now finding, that it is not certaine, that any ſuch liberty,was at any time, by any word of God granted to any,it is not vnlikely,but that themſelues will be better adviſed of it, and rather ſearch out ſome other meaning of thoſe words of Chriſt, than to make him (as els they muſt be faine to do; and as after I truſt to make it more plainely to appeare) both the firſt and the laſt in all Scripture,that ever allowed any divorce and marrying againe,and the only man of al the Prophets that went before,& of al the Apoſtles that followed after, vpon whō

not

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not only that marrying againe, but even divorce it selfe must stande; especially, when as they know, and readily grant, that he came to vphold al the whole righteousnesse of the law of God, and to loose none (though never so little) to any one iot of fleshly liberty whatsoever.

Of those places that are for marrying again that they also will help them little.

14 As touching those other places of theirs, namely, such as are for marrying againe (wherein consisteth al the residue of the strength that they haue, for this conceived opinion of theirs) they also are only two: both of them in the New Testament, and the words of Christ himselfe: & nevertheless such, as when they are wel examined, I beleeue wil helpe them but little neither. Which that wee may the more orderly finde, I hold it best, first to see what considerations we haue, that may induce vs to that perswasion: then, to examine the places themselues, for the true sense and meaning of thē. Those considerations that now I speake of which may wel induce vs so to think, that in these also they haue no sufficient groundworke of that their opiniō, are especially two: one, takē out of the judgemēt of others therein; another, arising out of that which themselues haue set downe for that matter. That which is taken out of the iudgment of others, is, that same that by other occasion before I touched, that the most part of men are against them herein: and yet haue those places as wel as they, and are as careful to leaue them vntouched (even at the ful) vnto the sense that they ought to haue. Who being as they are, both equall in learning (for anie thing that yet we know to the contrary) and more in nūber without comparison, may easilie induce those that stande indifferent (so long as the others bring not better proofes to the contrary) to doubt lesse danger in abiding with them, vnto that resolution that being tried by long

The iudgement of others against them

Sect. 15. experience, is much more likely to be leſſe faulty: than, ſo quickly to turne vnto others, to the imbracing of a latter iudgment, ſo lately (to ſpeake of) ſprung vp among vs, and ſo newly broached vnto vs. By which kinde of reaſoning albeit no certaintie bee to be concluded: yet neither may the probability be wel neglected. A certaintie cannot be thereon concluded, becauſe neither as yet is it to be taken as proued by vs, or granted by them (for ſome there are, that ſo much as they may, do leane to the contrary) that they haue the greater number againſt thē: neither, if they had, were that any certaine proofe that they were wrōg. Yet, on the other ſide, the probabilitie (for both) being ſo faire as it is, it leaueth ſo good a coniecture thereby, that ſuch as take the contrary courſe, may finde themſelues to be excluded frō all good hope that they are right: at leaſt, that it is not a thing out of queſtion.

Their own defects ſuch as wel may make their iudgement ſuſpected.

15 That conſideratiō that ariſeth out of that which themſelues haue ſet downe, is no more but this, that euen their owne manner of handling this matter is ſuch, as that diuers defects appeare therein, both in weake reaſoning: and in diuers inconuenient ſpeeches beſides. As touching both which, before we come to exemplifie or to ſhewe wherein they do it, it ſhal not be amiſſe (eſpecially to put away ſuch euil ſurmiſes, as otherwiſe might ariſe hereon) more diſtinctly (yet briefly) to ſet it down, both how farre we may charge them with thoſe defects: and how far we may thereby iuſtly conclude againſt them. As touching the former, we are not ſo farre to charge them, as though (vpon the principles that they conceiue) they had no arguments to be regarded, or that orderly did conclude; nor that inconuenient ſpeeches with them are ſo rife, as that therein only there is ſufficient cauſe to cōdemne the mat-

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ter it ſelfe: but that they do often vſe ſuch, as are no good arguments indeed; and that divers times they haue inconvenient ſpeeches likewiſe. But yet by their patience (now to take in the latter withal) they haue both theſe ſo much and ſo often, that thereby they may iuſtly breed ſuſpition in others (even in as many as read with iudgment, & ſtand indifferent) that they are ſomewhat partial therein, & are carried not a little with ſome private affection whatſoever: that in vſing ſo often ſo weake collections, they doe plainly inſinuate, their ſtore of ſtronger was not ſo great; and that in adding ſuch inconvenient ſpeeches withall, others might iuſtly doubt, that then they were ſo far out of temper, as that they might overſhoote themſelues, even in that alſo that is in queſtion.

How weakly they reaſon, on the things herevnto appertaining euē the ſame that are in queſtion, & appertaine to the ſubſtance of them.

16 Wherein theſe defects of theirs appeare, is now to be ſeene: and firſt how weaklie oft times they reaſon; then, what incõvenient ſpeeches they haue beſides. Thoſe reaſons of theirs that now I ſpeake of, doe moſt of them depend either on the things herevnto appertaining: or, on the authoritie or teſtimonie of others concerning the ſame. The things herevnto appertaining, are either the ſelfeſame that are in queſtion: or elſe certaine others, of ſuch a kinde, or ſo neere vnto them, that from them they draw certaine reaſons to theſe likewiſe. Of the ſelfe ſame that are in queſtion, there are two ſorts: one, that is of the ſubſtance of them; others, that are but accidentarie therevnto. That which is of the ſubſtance of them, is the nature both of adultery, & wedlock it ſelfe in this reſpect. Out of the conſideration of which becauſe they doe ſo vſually reaſon, therefore it ſhall bee good for vs to note, both what reaſons they are, and of what force wee may take them to be. The reaſons that thereon they bring, are

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Sect.16. such as bind all vpon this, that the nature of Adulterie is such, as that it doth quite dissolue whatsoever band there was in marriage before: and that that was the cause, why Christ made his exception only of it. And so they reason, not only to take away an obiection that otherwise would bee strong against them: but also to expresse their owne opinion or iudgement therein. The obiection that otherwise would bee strong against them is that coniunction that God had put betwixt man and wife: whereupon it is inferred by Christ, *Quod Deus coninnxit homo ne separet*; that is, that which God hath coupled, let not man put asunder. For answer whereunto, Erasmus first saith, that *nullo negotio solvi potest. Hoc Deus coniunxit, quod rite coniungitur: hoc Deus dirimit, quod rite dirimitur.* that is, That doubt, saith he, may easily be looſed. For that, saith hee, did God ioine together, which was rightly ioined: and that doth God himselfe put asunder, which is well put asunder. And Musculus after, following the same, answereth, that *illi non rumpunt coniugii vinculum*; but that the adultereſſe *sua perfidia iam ante adulterando ruperit*: that is, that they, (who in such case put away their wiues,) doe not breake the band of marriage; but that the adultresse by her disloialty in committing adultery brake it before.

First to take away an obiectiõ

Mat.19: 6.

1.Cor.7. p. 499.

In Mat 5. pag.114.

Then to expresse their owne meaning therein.

To expresse their owne opinion or iudgement therein, both these and others, doe otherwise set downe that same for the truth of their doctrine for that point, For first Erasmus saith; *(Divortium) Christus astringit ad vnam adulterii causam, non quòd non sint alia flagitia adulterio sceleratiora: sed quòd adulterium tota ratione pugnet cum coniugio. Matrimonium è duobus vnum facit: eam copulam dissecat adulteriũ.* Musculus likewise, being to shew for what cause marriage may be dissolued, saith, *Vna causa est quam Deus*

Ibid.

In Mat. 5. p.113.

ponit

ponit dicendo, Nisi causa stupri. Nam hoc crimine coniugalis fides dissoluitur. Againe, *Excipit causam stupri, significans tũ licere &c. Quia, quod Deus conjunxerat, per adulterium diuidit, mariti fidem obnoxiam sibi iam amplius non habet, &c. Nam nemo alterius improbitate, ius suum quod à Deo habet, &c. amittere debet.* Againe, speaking of an adulterous wife *Marito amplius non viuit, sed ei cui perfida & adultera adhaeret.* Mr Calvine likewise, *Meritò abijcitur mulier, quae perfidè coniugium violauit: quia eius culpa, abrupto vinculo, libertas viro parta est.* Againe, *additur tamen exceptio, quia mulier scortando se quasi putridum membrum à viro rescindens, eum liberat.* Gualter also, being of the same minde maketh his reason to be, for that the adultéresse *coniugii vinculum perfide dissolvit*, or otherwise seeth not, but that *adulteris & scortatoribus coniugii dignitas patrocinabitur, quod Deus vt istis vterentur, instituit.* Last of all, Beza answering an argument, that so it might come to passe, that one man should at once haue more wiues: *Respondeo*, saith he, *in hoc argumento esse petitionem principii. Praesupponit enim id ipsum, de quo quaeritur: manere nempe vinculum matrimonij etiam post divortium. Concedo igitur vni viro non licere plures vxores habere: sed addo, vxorem esse desijsse, quae propter adulterium se à viro separavit.* And anon after, *Coniugii vinculum abrupit, quisquis factus est scortationis membrum.* And after that, *Concludo igitur, adulterio abrumpi non tantum vsum, sed vinculum: quod nisi voluntate innocentis rursum coalescit, integrum esse eidem innocenti, si continere nõ potest, novas nuptias inire. &c.* And lastly, *Convictus adulterii, maritus esse desinit.* The effect of all which, concerning the matter that now we speake of, is no more but this, that (in the iudgement of all these) *by the adultery of either of the parties, the bond of matrimonie that was betwixt them, is now*

Sect. 16.

Pag. 113.

Pag. 114. P. Martyr also: loc. c. m. class. 2. c. 10. sect. 71. n Mat. 5. 32. In Mar. 19.

In Mar. 10. pag. 21. b.

In lib. de Repud. & divort. pag. 110, 111.

Pag. 12.

Pag. 113.

Pag. 116.

Sect. 16. Which iudgement of theirs is further examined, & the band of marriage further cõsidered.

dissolued, and broken againe. Which if now we may a little examine (notwithstanding that so great men haue so resolutely overruled the same already) it seemeth much rather vnto me, that the band of marriage is of that nature, that it is not in the power of either of the parties, nor of both together so to breake it, that now it bee to stand as altogether brokē betwixt them. For there are, if we mark, two sorts of bands wherewith they are bound the one to the other: one sort, that concerneth those parties themselues, that so doe ioine themselues together; the other, that concerneth certaine others, that ioine with them in that action likewise. Those that concerne the parties themselues, are two: one, of the husband; the other, of the wife. For though they both doe concurre in time, so neere as may bee: yet, both some little difference there is, such as it is (the one going a little before, and the other following somewhat after) and well they may bee severally considered, as distinct things in themselues; as when ships doe grapple together, and not by the grapple of either of them but when each of them doe fasten their grapple on other. Those others that ioine with thē therein, are, God himselfe, and his vicegerents on earth among vs: both which doe ioine in that action with them; and, when first they haue so tied them (and that, with a seuerall band for either) then doe they tie them also with other bands besides, even with one seuerall band for either of them. And so commeth it to passe, that every party that is marryed, is by the vertue of that marriage, bound fast to the other in foure seuerall bands: one of his owne; the second, of his yokefellow; the third of the magistrate, or of the Government vnder which they liue; and the last, of God, or of his holy ordinance. Wherevpon me think-

4. Bands.

eth

Sect. 16.

eth that whatſoever it is, that may bee thought to bee of force to diſſolue the band of matrimonie, had need to be ſuch, as wherein the whole intereſt of all theſe parties, and of every of them, is to concur in full, and lawfull conſent: or elſe, whatſoever is, or can be done, by either of thoſe inferior parties, neither is it, neither cā it be of ſuch force as to diſſolue the whole band, which was knit not only by themſelues (and by either of them, for their part ſeverally) but alſo by others that are their ſuperiors, and whoſe leaue firſt they muſt haue. Or otherwiſe, that it were in effect no better, but as if one ſhould reaſon affirmatiuely from the part to the whole: that ſeeing one of the bands is by one party broken (and but ſo far neither as that party may) therefore the whole band is broken betwixt thē, and now as looſe as ever they were. Which how vitious it is, we may (as I take it) much better perceiue in ſome other ſuch like, wherein we are not as yet by preiudice ſo foreſtalled, nor our affections ſo blinded neither: in that band that is betwixt the Maſter & the ſervāt. For though the ſervant doe behaue himſelfe as il as may be, and directly againſt the nature of his ſervice, either generally or ſpecially in that which more properly is cōmitted vnto him; and whereby himſelfe hath ſo far deſerved vtterly to bee caſt off: yet, if either the Maſter haue abſolutely takē him into his ſervice, and to doe for him without exception, & not only for better, but alſo for worſe, and much rather if God doe require, that as yet he caſt him not off, or if but the lawes doe not allow him ſo to doe, in all theſe caſes we may ſee ſome bond of duty, ſo farre as yet remaining and ſtanding in force betwixt them, as that it were hard for any to iuſtify, that after ſuch a lewd part of the ſervāt, now there were at all no band of that duty remaining be-

Sect.16. twixt them. And the leſſe there is to be ſaid againſt it, but that in ſuch ſort a man might ſo reaſon againſt divers coniunctions beſides (as of that which is betwixt Parents and children, and of that likewiſe that ſtandeth betwixt the Prince and the Subiect) the more heed ſhould bee taken, that no ſuch gap ſhould be opened to any, as wherby the looſer ſort, whē they ſhould get their deſire in this, ſhould caſt about to obtaine the like in other things alſo of greater conſequence. In which reſpect I do ſo much the more marvell that Mr Calvine, ſo iudicious a man as he was, & being in ſo good a way vnto this conſideration, as that time alſo he was, when he did ſet downe that iudgement of his, as before is declared: yet notwithſtanding did not take the advantage or benefit of either of them, ſo as herein hee eaſily might. For in that place before recited, his words that goe immediatly before, are theſe: *Sanctius eſt cōiugij vinculum, quā vt hominū arbitrio vel potiùs libidine ſolvatur. Tametſi enim mutuo conſenſu ſeſe conjungūt vir & vxor, Deus tamen nodo indiſſolubili eos aſtringit, ne poſtea liberum ſit diſcedere. Additur tamen exceptio, Niſi ob fornicationem. Merito enim abijcitur mulier, &c*: that is, The bond of wedlocke is a thing more holy, thē that it may bee diſſolved when men themſelues wil, or rather when their luſt doth moue them vnto it. For although man and wife doe ioine themſelues together with mutual conſent: yet doth God (farther) tie them togither with a knot that cannot be looſed, that afterward they haue no liberty to part in ſunder againe. And hitherto wel: but then he addeth, yet, ſaith he, an exception is added, Vnleſſe it be for fornicatiō. For the woman is iuſtly caſt óf who diſloialy hath broken wedlocke, and ſo forth, as before. Wherein we ſee that he noted two diſtinct bonds in the parties thēſelues by mutuall

tuall consent, or that the man had bound himselfe to his wife, and the wife likewise to the man; then also, that God (aboue them both) had likewise ioined them togither never to part: and yet notwithstanding in the end he alloweth the bond to be (wholy) broken by one party onlie, following therein the iudgement of others, and vpon perswasion, that such must be the meaning of those words of Christ, which afterward I trust to shew may rather haue some other meaning. Againe, put case that there were no band but one, even that alone wherewith the adulterous wife since, had before tied her selfe to her husband. Even in this case also me thinke it were harde for any to holde, that such lewdnes of hers, had altogether broken whatsoever band of mariage there was betwixt them: for that in such case it is so generally held by al, that whatsoever lãds the wife brought with her, they stil are the husbands, even by the vertue of that bond that was betwixt thẽ. Whereas otherwise when the bond is dissolved by death indeed, thẽ (if he haue no farther interest) he is to part with them likewise. So in such case the bond may in some sense bee accoũted to be broken indeed: but rather, in respect of divers benefits that by her marriage shee might otherwise claime, than that the bond in it selfe should stand as brokẽ, vnto them both generally, or to set them as loose, or as free to marrie againe, as they were before. And so doth *Erasmus* himselfe afterward interpret one of those his speeches of that kinde. For whẽ he is reproved by *Natalis Bedda* for that he said, *Iam vxor esse desyt, quæ se miscuit alteri viro*, that is, Shee doth now cease to be a wife, that hath committed adultery with another, his answere is this, *Agnoscebat vulgatissimum tropum Bedda, sed captabat ansam calumniandi. Sic filium esse negamus, qui degenerat à paternis moribus*

Sect. 16.

Nat. Bedda.

Supputatione Beddæ. 22. Tom 9. pag 472.

Sect.16. *moribus, qui meruit abdicari, & tamen manet naturæ vinculum. Sic episcopum esse negamus, qui indignus est hoc nomine, & tamen manet consecratio. Sic Christianum esse negamus qui moribus est impijs, & tamen non tollitur baptismus. Ita mihi dicta est vxor esse desijsse, quæ se fecisset indignam vxoris nomine:* that is, *Bedda* himselfe woulde not haue denied, but that we vse so to speake, but hee desired to picke out some occasion of slaunder. So do we deny him to be a son, that doth degenerate from his fathers waies, who hath deserved to be cast of: and yet the bond of nature remaineth. So do we deny him to be a Bishop, who is vnworthie of that name: and yet his consecration abideth. So do we denie him to be a Christian, that is of a wicked behaviour: & yet is not his Baptisme abolished. In such sense did I saie that shee ceased now to be a wife, who (by her own lewd demeanour) had made her selfe vnworthie to be so taken. And therevpon bringing somewhat such like, both out of *Chrysostome*, and out of *Ierome*, he concludeth: *ut igitur est vir non vir, vxor non vxor, ita est conjugium non conjugium:* that is, As therefore a man is not a man, a wife not a wife, so is marriage no marriage. Which interpretatiō of his owne words though himselfe, by that occasion, did afterward so plainly giue, yet others that followed him (without any stop) in that manner of speaking, did frame their iudgement also thereafter, and so gaue in their resolution, and not after this latter qualification of his: a thing, in my iudgement, vnto the purpose that now we are in, right worthy the marking. And thus for them all. One thing more in one of them there is, that needeth to bee warily taken, or else may easily breede a further error: namely, that Erasmus by those words of his, may seeme not to allow, the ioining together of man and wife, to be of God,

but

but only whē it is orderly done. For out of it there might be a gap opened for men, to reaſon ſhrewdly for the diſſoluing not only of marriage, and but for adultery: but alſo of all other ſocieties, and ſubiections, almoſt; and for leſſe treſpaſſes, and lighter indignities, then adultery alſo. So that, for this firſt argument of theirs, that, if here ether partie commit adultery, then is there no further any band of wedlocke ſtanding betwixt them, I truſt it appeareth, that it is not ſo cleere, but that as yet ſome queſtion may be conceiued of it. *Sect. 17.*

17 Thoſe that are but accidētary therevnto, are partly ſome abuſes going before: but eſpecially, divers inconveniences following after. The abuſes going before are ſuch as are already touched among the former reaſons: namely, whenſoever marriages are, either one way or other, ſo diſorderly made, as that thereby occaſion is giuen of ſo deep diſcōtentmēt, that to require the band of wedlock thereon to be broken, may ſeeme to be a iuſt requeſt. And diſorderly may mariage be made, when as it is made betwixt ſuch, as in whom there can be no ſound election at all, as in children and fooles: or betwixt thoſe, that, though they bee ſuch as might ſoundly chuſe, yet notwithſtanding do ſo plainely bewray themſelues to be carried away with ambition, covetouſneſſe, or inordinat luſt, that thereby they make it cleere, that therein they follow no ſound adviſe. In which caſes, and in ſuch like, it is very true, that great diſorder is committed, and that the ſame is rife amongſt vs. But yet if Eraſmus, as before I noted, or any other would thereon conclude, that in reaſon ſome ready way ſhould be had among vs for divorce and marrying againe for the better amendment of thoſe abuſes, or that the Apoſtle himſelfe were not vnlikely to beare with

How weakly they reaſon in ſuch things as are but accidentary. *Sect. 7.* Vpō abuſes

In 1. Cor. 7. pag. 504.

Sect. 17. with vs further therein, then now wee will allow that hee doth: this were no doubt but a weake collection, and in no wise to stand for any sound reason to vrge vs vnto it.

Vpon inco-veniences. The inconveniences that follow after, are most of them noted to be in the parties themselues that are so vnequally knit together: but one, that cõcerneth others also. Those that are noted to bee in the parties themselues, are of two sorts: some, that doe concerne them both indifferently; others, that concerne but the innocent or faultlesse persõ only. Those that doe concerne both, are all such evils, as vpon such marriages are wont to vex both the parties so ioined together, which indeed are many and greate. Of

Ibid. 492. which Erasmus *Videmus autem*, saith he, *tot hominum millia infœlici coniugio sibi cohærere cum exitio vtriusq; : qui fortasse disiuncti seruari possent.* that is, That we see many thousãds that cleaue together in their vnlucky wedlock to the destruction of them both: who, it may be, if they were sũdred againe, might so be saued. And thereupon he inferreth, that if it might be done *citra iniuriam diuini præcepti*, that is, without any breach of Gods commandement, then were it at least to bee wished: and his reason is, because it is *Apostolicæ pietatis, omnium saluti quantum licet consulere, & infirmis etiam Ecclesiæ membris sua cura succurrere.* that is, appertaining vnto Apostolike piety, so much as may be to endeavour the salvation of all, and especially to be helping vnto the weake members of the Church. Those that cõcerne the innocent parties, are such as more specially haunt them. For whome it is, that elsewhere he

Ibid. p. 496. reasoneth, that *tales sæpe existunt causæ, vt crudele videatur non succurrere periclitanti:* that is, that oftimes there are so iust causes, that it may seeme to bee no lesse then plaine cruelty, not to helpe one that is in so manifest danger.

Where-

Sect. 17.

Whereunto the more to moue vs, he addeth, *Christus nõ gravatur ob vnam oviculam lustratis omnibus obambulare, quam humeris reducat: & nos gravabimur experiri, si qua multis pereuntibus succurri possit, præsertim quum Christus salutis sit author, & humanæ leges non aliter valere debeant, nisi quatenus ad salutem conducunt hominum?* that is, Christ thinketh not much, for one sheepe only, to goe vp and downe, every where seeking, that hauing found it, he may bring it home againe, even on his shoulders; and shall we thinke much to assay, whether any way we may be able to helpe those that are ready to perish: especially, when as Christ is the author of safety, and mens lawes should bee of no further force, but so far as they tend to the good of men? And a little before, somewhat more plainely, *Iam nemo poterit inficiari*, saith hee, *leges Christi multo æquissimas esse &c.* Wherevpon he inferreth, *An igitur æquum videtur vt maritus cum vxore flagitiis operta, quibus nec causam dedit, nec mederi potest, cogatur vivere, cum qua vivere non sit vivere: aut si divertat, compellatur omnem ætatem orbus, destitutus, ac velut eviratus degere?* that is, Now there is no body that can deny but that the lawes of Christ are most vpright &c. But then, may this be accoũted to stand with any equity or right, that the husbãd should be compelled to liue with a woman that is so marvelous ill, when as he never gaue any iust cause of that her lewdnesse, neither ever was able to make her better, with whome to liue is to be accounted no life at all: or if he leaue her, that then hee should be compelled all his life long to liue out of hope of propagatiõ, without his helpe, and as it were to be turned out even of his very manhood it selfe? Beza likewise, if the woman after divers pardons doe yet offend againe, in such case *quid iniquius*, saith he, *quam innocentis, quivra-*

Ibid. p. 495.

Dereuol. & divort. pag. 139

Sect. 17. *tur, ne tum quidem rationem habere?* that is, What is more vniuſt, then even thén alſo not to haue anie care of the innocent partie? That inconvenience that cõcerneth others

Ibid. alſo, is in like ſort noted by Beza: that if divorce for adulterie & mariage againe were ſo far reſtrained, it would make both harlots more bolde & ready to offend; & thoſe that had the wrong, quietly to put it vp, and not to ſeeke the puniſhment of it. Now, of what force theſe reaſons are, may ſoone be eſpied of any that will a little marke them: both that which ſtandeth vpon the abuſes going before; and thoſe others that ſtand vpon the inconveniences that follow after. For as touching that which ſtandeth vpon the abuſes going before, as I haue noted ſo much already, that if ſo we ſhould vſe it, it would be but a weake reaſon to vrge any to be of that opinion: ſo in it ſelfe it is cleere indeed, that the abuſes themſelues were to bee amended, and by force of good lawes, or by good government to be taken away; and that no ſuch liberty is to bee graunted for redreſſe thereof, as may not ſtand by vndoubted warrãt of the word of God. So that, if they ſuppoſe this to be ſuch which now they do vrge, thẽ though they do require no more then iuſtly they may generally; yet therein they miſſe, that firſt they take ſuch holde of this liberty, before they haue found it to be, by the word of God allowed vnto them. The like may be ſaid of the firſt ſort of inconveniences alſo, ſuch as concerne both the parties indifferẽtly: and of the laſt likewiſe, which were ſuch as concerned others withal. But for the middle ſort, ſuch as concerne the innocent parties (which ſeeme to bee the ſtrongeſt of all) although it cannot be denied, but that their caſe is hard and much to be pitied withall: yet, as themſelues do grãt that they caſt no further to helpe them, then it may ſtand

with

with the written worde (and ſo are therein, but only ſo weake, as in the other) ſo is it further to be cõſidered, that even thoſe inconveniences of which they would ſo gladly eaſe the innocent parties, may be either ſo iuſt chaſtiſements, or ſo needfull exerciſes for them, that we are not ſo much to caſt, how to eaſe them therein (by taking of that burthen from them) as to incourage them, patiently to beare thoſe croſſes of theirs, and to teach them, that it is their duties ſo to do. So, for theſe reaſons we are to ſuſpẽd our iudgements awhile, vntil we ſee theſe two things: firſt that ſuch liberty (of divorce for adultery, and marrying againe) doth vndoubtedly ſtand with the word of God; then, that thoſe other inconveniences (as they are called) are no ſuch things as of duty ſhould be ſuſtained. Otherwiſe it is very cleere, that theſe reaſons alſo doe nothing hold. Sect. 18.

18 Thoſe other things that are of a kind, or ſo neere vnto theſe, as that out of them they draw certaine reaſons for theſe likewiſe, are divers: ſome of them ſuch, as from which they reaſon, as from the like; and ſome others ſuch againe, as from which they reaſon, as from the leſſe vnto the greater. Thoſe that are ſuch, as from which they reaſon as from the like, are moſt of them taken out of the opinions or practiſe of men: but ſome of them alſo, out of the word of God it ſelfe. Of the former ſort are thoſe, whereof Eraſmus bringeth reaſonable good ſtore: as namely, that the opinion of *Iohannes Andreæ* is, *matrimonium, antequam interceſſerit copula, poſſe dirimi, non ſolum ob profeſſionem vitæ monaſticæ, verum etiam ſola Romani pontificis authoritate*: that is, that eſpouſals, before the parties haue laine togither, may bee diſſolved againe, not only for the profeſſiõ of the monaſtical life, but

How weakly they reaſon, vpon other things whẽce they draw reaſõs to this.

As from the like.

In 1. Cor. 7. pag. 494.

Sect. 18. alſo, even by the authoritie of the Biſhop of Rome alone,
Ibid. without any thing els. Againe, out of *Hoſtienſis*, *Auguſtinus*, and Pope Lion, *quod lapſus in hereſim dirimat matrimonium, etiam conſummatum: & ita dirimat, ut jus ſit ei qui perſtiterit in fide, alteri jungi*: that is, that to fal into hereſie, diſſolveth matrimonie, even conſummate alſo: and diſſolveth it ſo cleane, that it is lawful for the party that abideth in the faith, to marrie an other. Thirdly, that *Zacharias* the Pope, *dirimat matrimonium ob rem habitam cum ſorore vxoris*:
Ibid. that is, doth break of the bond of marriage, if the huſband hath had to do with his wiues ſiſter: and farther grāteth leaue to the wife, if ſhe did not conſent, to marrie againe. Laſtly (ſo farre as I thinke needful to alleadge at this
Ibid. p. 495. preſent) that *Hoſtienſis* making a queſtion, *an Eccleſia poſſit hodie ſtatuere, ut altero fidelium prolapſo in hæreſim, poſſit alter conjugum tranſire ad nova vota, definit poſſe*: that is, that ſetting the queſtion, whether the Church may at this day take order, that if one of the parties that are married fal into hereſie, then may the other marrie againe, hee reſolveth, that the Church may ſo do. And then, having ſhewed by thoſe and ſuch like, what opinions there haue been, not vnlike (as he taketh it) in matters of marriage, to that
Pag. 496. which he moveth, he is bold to goe vnto others alſo that are farther of: as that the Apoſtles, to pacifie the Iewes, tooke order with the Gentiles, for certaine of thoſe ceremonies to be obſerved of the Chriſtiās in Antioche; that the Biſh: of Rome maketh other Biſhops thā the Apoſtle alloweth of; & that the Church hath of late (to ſpeak of) determined of divers matters, that were left at more libertie before, as Tranſubſtantiation, the proceeding of the
Pag. 497. holy Ghoſt from the Sonne alſo, the Conception of the bleſſed Virgin, and that the holy Ghoſt is of the ſame ſubſtance

stance with the Father and the Sonne. Al which he alleageth to this ende, to shew that it is no new thing in the Church of God, as they see occasions to arise, so to take farther order in divers matters, than by those had been taken that were before them: and so would insinuate, that in that matter also they might do well to take such order as he cõmended, if so be that the word of God would beare it, as he was perswaded it would. Of the latter divers particulars are likewise alleaged, out of that same part of the Sermon of Christ in the Moũtaine (wherein also we haue the first speech that Christ did vtter concerning this matter) out of which both he, & some others besides, doe reason for the opinion they hold in the matter that now we speake of: both, of the liberty that our selues do take in other such like speeches of Christ; and of the perfection of those things that Christ doth there cõmend vnto vs. Cõcerning the liberty that our selues doe take in other such like speeches of Christ, he saith, that whereas he forbiddeth vs to sweare, to be angry, to reproach, to presume to come with our offering to God before that we are at one with our brother, to go to law, to requite displeasures, & to resist evill, and doth farther command vs to loue our enemies, to deserue wel of them that deserue ill of vs, and to pray for them that curse vs, first he saith, *quum eodem in loco plura doceat, quæ purè germanéq; Christianis digna sunt, cur in cæteris omnibus recipimus interpretationem, in uno divortio tam rigidi sumus, ut magis etiam astringamus verba Christi:* that is, When as in the same place he teacheth many things which simply and plainly concerne the dutie of Christians, why do we in al things else admit of some interpretation, and yet are so crabbed in this one point of Divorce, that we do even farther restraine those words of

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Ib. pag. 498.

Sect. 18. Christ? Concerning the perfection of those things that Christ doth there cõmend vnto vs, reasoning otherwise, on it than others do, he saith likewise, *Christus hæc locutus est, non turbis, sed discipulis, idq; in monte, depingens purissimam illam sui corporis partem quam appellat regnum cælorum cui nullis sit opus legib*: that is, Christ spake these things not to the multitude, but to his Disciples, & that in the moũt, painting forth that most pure part of his bodie which he calleth the kingdome of heaven, wherevnto there wil bee no need of lawes. And by & by after, *Pone talem populum qualem Christus optat, nec repudio fuerit opus, nec jurejurãdo. Quod si ob infirmos quos in tanto numero plurimos habet Ecclesia, nemo vetatur legibus jus suum persequi; nemo vetatur vim à capite repellere; nemo vetatur jurare modò ob rem, & ne pejeret; nemo cogitur bene mereri de male merentibus: cur vnum hoc de divortio promiscue exigimus ab omnibus?* That is, Admit such a people as Christ wisheth, and there shall bee no neede either of Divorce, or of swearing But if for the weake, whome the Church hath in so greate abundance, no body is forbidden to seeke his right by law; no body is forbidden to defende himselfe from violence; no body is forbiddẽ to sweare, so there be cause, and that he forsweare not; no man is compelled to deserue wel of those that deserue ill of him: why do we exact this matter of divorce so generally of all? Others there be, that becausse Christ taught such perfection there, do therevpõ gather, that if a man put away his wife for adultery, and marrie another, it may not in any wise be called in questiõ, for that it is allowed there, where things of so great perfection are taught. Those that are as from the lesse vnto the greater, are such as these. Becausse that *Chrysostome* giveth in the reason why the Iew is suffered

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As frõ the lesse vnto the greater

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to put away his wife, *ne inuisam occidat*, that is, least that vpon his hatred of her he also slay her, therevpon hee reasoneth, *Itáne prodesse debet apud Iudæos flagitiosa sua malitia, & apud nos non proderit marito sua innocentia?* That is, Shal the Iew haue that benefit of that wicked malice of his, and shall not an husband among vs haue like benefit out of his vndefiled and honest dealing? The like againe (and one straine farther) a little after, *Saltem hoc apud nos detur infælici innocentiæ, quod apud Iudæos datum est perversæ maritorum acerbitati, quod Paulus indulget viduis intemperantibus, ne quid admittant sceleratius.* that is, At least, let that be graunted that we also may haue our miserable innocency so farre releeued, as the Iews had their perverse crabbednes borne with, and so far as S. Paul himselfe beareth with intemperate widdowes, least they commit some further evill. Of what force these reasons of his are if now we examine, first as touching the opinion of those others (for such like matters as he presupposeth) that he brought in, the reason is sufficient to stop the mouths of those that so hold: but not to establish that point of doctrine it selfe. That the Apostles themselues, and the godly Fathers after, determined more plainely of divers things, then those that went before them had done, they had the word of God for them therein, and then not to bee reproued by any: but their doing therein may be no argument to moue vs to determine of this, but only so farre (which appeareth not yet) as we may accoũt, that we haue the word of God to beare vs out in it. But whereas he shuffleth in (among the rest) divers things that they determined & did against the word of God, we ought to be so much the more wary in suffering our selues to be led thereby, whenas the reason is of that nature, as buildeth on falshood, as well as

Annot. In 1. Cor. 7. pag. 502.

Ib. pag. 505

on

Sect. 18. on truth. As for the liberty that we take in those speeches of Christ, we take none (in any doctrine that thereof wee hold) but such as standeth by good warrant of the word of God in other places, and then can that be no sufficient reason to moue vs, to do the like in this, for which (as yet) we finde in the word no warrant at all. And, though much be to be attributed vnto him: yet in this it may be doubted, that himselfe vnderstood not those places; else that never he would haue so reasoned on them. The perfection that Christ might seeme thereby, to commend vnto vs, was not to that ende so laid open by him to shew in how many things wee must be spared for our weakenesse sake; but plainely to shew vs, how wee ought to endeavor our selues to walke in that holy calling: and then doth it leese the force of the reason for which he brought it. Neither doth Christ therein teach vs so absolute perfectiō in those points, but that some others also there are, of an higher degree then those, of which he speaketh nothing at all. As in his first example of doing murther, though hee forbid divers other braunches of that evil roote, yet neither doth he recite but a very few of them (to speake of) in comparison of the rest: neither doth hee speake any thing of the contrary vertues, or great care that we ought to haue of the safety and good estate of others, which notwithstanding are by the commandement also required. And so likewise in all the rest. So his purpose was not there to teach all perfection; but to giue them to vnderstand, that he was so far from setting them loose from that strict rule of life which the law prescribed vnto them, that he did require much more of them by vertue thereof, thē they did thinke they were bound vnto: and that doth hee content himselfe briefly to shew, by those few examples. In which

sense

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ſenſe if we take it, then ſhall we ſoone eſpy, how weake alſo that reaſon is of thoſe others. Thoſe that are taken, as from the leſſe to the greater, carry their owne weakneſſe with them ſo plaine, that no body need (as I doe take it) any further to ſhew it: being able to ſhew, if need were, that one of them hath ſuch a wem or gawl in it beſides (that cenſure of his, of thoſe his widdowes) that there is no reaſon why it ſhould be (in this light that now wee haue) of credit with any.

How weakly they reaſon frō the authority of others, & firſt of God

19 The authority or teſtimonie of others, whereon certaine of their reaſons rely, is either of God: or elſe of men. Of thoſe that rely on the authority or teſtimony of God, that is, vpon the written word, they haue two ſorts of reaſons that are but weake: one ſort, by miſtaking of the Text it ſelfe; an other, by gathering amiſſe thereon. Miſtaking of the Text is (in this matter) a common ſlip almoſt with them all: and then, if they ground any reaſons thereon, needs muſt they be of ſmale importance. And firſt, Eraſmus hauing conceaued, as we ſaw before, that the law did plainely allow the huſband to put away his adulterous wife (if ſhe were very bad therein: for ſo hee limiteth his iudgement thereof) he vrgeth further (as in that place alſo was declared) that it is not added there *(fuiſſe) hoc datum duritiæ cordis, præſertim quum ex ſenſu naturæ non poſſit ſciri quod nos interpretamur*. that is, that it was graunted for the hardneſſe of their harts, eſpecially when as that which we doe gather thereon (meaning as I take it, that which we haue learned of Chriſt, that it was but for the hardnes of their harts) cannot be gathered by ſence or nature. And immediatly he addeth further, *Et ſi conceſſum eſt duritiæ cordis, utiq; licet, quod concedit Deus: præſertim ſi nullo ſigno declaret eos peccare, qui permiſſo vtantur*. that is, And if it be

First by miſtaking the Text.

Eraſmus.

Annot. in 1. Cor. 7. pag. 505.

Sect. 19. graunted but for the hardneſſe of their harts; yet is that lawfull, that God hath graunted: eſpecially if hee doe no way declare that thoſe doe offend, that vſe the liberty that is permitted. In which notwithſtanding hee doth not ſo reſt, but that he taketh hold of an other help withall, adding therevnto as followeth: *Verum hæc utcunq; habeant, ita conceditur, ut tamen impune ſit marito duxiſſe quam velit, nec vetantur utcunq; repudiatæ nubere. Interdum enim hoc licere dicitur, quod Lex non punit*: that is, But howſoever theſe things be, it is ſo far granted, that there is no puniſhmēt for the huſband that (in ſuch caſe) marrieth (another) whom he will, neither are theſe that are divorced howſoever, forbidden to marry againe (it may bee notwithſtanding his meaning herein, that men are not forbidden to marry ſuch as are any way divorced; but the other I rather thinke to be his meaning. Then he proceedeth) For ſometimes that is ſaid to be lawfull, which the Law doth not

Ib. pag. 499 puniſh. And ſo doth he reaſon before likewiſe vpon that ſuppoſall of his, that ſuch a liberty was by Moſes graunted vnto them. *Cur, quum idem ſit morbus, non idem admovetur remedium?* that is, What reaſon is there, that, when we need that helpe as much as they, it ſhould not be graunted to vs as much as to them? Muſculus likewiſe in ſuch ſort miſtaking it, doth nevertheleſſe build ſomewhat vpon it.

In Mat. 19. *Moſes*, ſaith he, *permiſerat libellum repudii Judæis: ex hoc permiſſu paſſim repudiabantur vxores*. that is, Moſes had permitted a bil of divorcement vnto the Iewes: by the means of that permiſſion of his, it grew to be a common thing among them, for huſbands to divorce their wiues from them. And ſo miſtaking another beſides, nevertheleſſe he maketh it the chiefe part of the ground of his opinion, that there is no divorce, but where the parties may marry

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againe. For hauing that point in hand, that in the Church there is no other divorce by law allowed, but that *uterq; maneat incõiugatus, aut reconciliẽtur*, that is, that each party abide vnmaried or bee recõciled, hee inferreth, that Christ spake *de nullo fictõ, sed vero divortio, per quod potestas dabatur denuo cum alia cõtrahendi conjugiũ, &c. Nullũ enim aliud divortiũ noverãt Iudæi, &c: licuisse autẽ dimissæ alteri nubere, vel hoc testimonij sufficiat, quòd sacerdoti præcipitur in lege, ne dimissam ducat: quæ lex supervacanea esset, si fas non esset repudiatæ denuo nubere:* that is, of no counterfet, but of the true divorce, by which power was given to marry againe with another. For the Jewes knew no other divorce. And that it was lawfull for her that was divorced to marrie againe, this one testimony onlie may be sufficient, that cõmandement was givẽ in the Law, that a Priest might not marrie a divorced woman: which law had beene superfluous, if it had not beene *lawfull* for a woman divorced to marrie againe. Which also (among others) is the collection of *Kemnitius* himselfe, for the lawfulnes of this libertie of Divorce and marrying againe, against a contrary determination set downe thereof by the Councel of Trent a little before. But hereof this little taste may be sufficient, for that the chiefe part of the groundworke of their opinion doth rest thereon (for that which they haue in the Olde Testament to build vpon:) which was a great part of the inducement that led them vnto it. Concerning which, & al such like, it is cleere inough in it selfe, that mistaking the Text whereon they grounded, the opinion that they conceiue thereon must needs bee but weake, and needeth nothing els to discover the weaknes of it, but only to shewe that they mistake the Text it selfe. But in *Erasmus* we haue some things else to note besides. First that in these things he

lb. pag. 113

Exam. par. 2. in Sam. 7. pag. 285.

Sense of nature apo riour giud hercia,

Sect. 19. he reſted ſomewhat on the ſenſe of nature: as perilous a guide in the matters that now we ſpeake of, as (of thoſe that are of ſome credit) a mā could lightly otherwiſe haue choſen. For being by nature ſo much given as we are to the luſts of the fleſh (and to haue variety therein) and tó be avenged of ſuch diſpleaſures as are done vnto vs (eſpecially ſuch, as touch vs ſo neere, as now we ſpeake of) wee are not to looke for any other, but that we may be as eaſily blinded in this, if we leane to our owne iudgement therein, as in any thing elſe that can lightly befal vs. So that, in this eſpeciallie, he ſhould not haue reſted anie thing at all on the ſenſe of nature, but haue ſought ſome better guid, whom he might more ſafely haue followed. Then alſo, how readily he taketh hold on that permiſſion, even onlie for that it was permitted (not regarding how farre, nor howe) though himſelfe doe finde none other, but that it was only for the hardnes of their hearts: a ſufficient burn, to haue diſcredited the vſe of that libertie to all that are godly, or that haue any reaſonable care, even of their honeſtie before mē. And yet whereas he doth ſo readily take ſuch hold thereon, it may ſeeme to argue, that his ſtore otherwiſe is but weake. Laſtly, that after a ſort abandoning theſe, if they ſhould not be thought meete to ſerue, he taketh hold of an other almoſt as weake: namelie, that becauſe there was no puniſhment ſet down for it in the Policie of *Moſes*, therfore it was after a ſort, or in ſome ſenſe permitted vnto them. And yet is it ſufficiently knowne vnto al, that as in al other Policies whatſoever, even ſo in that of *Moſes* alſo, there be divers things that are vnlawful, which there haue no puniſhment at al deviſed for thē: and therefore that we are not ſo to reaſon, that ſeeing it is not puniſhed there (as neither it was to haue manie wiues)

wiues) therefore it is no offence to doe it. For although such a reason might best hold from thence, of any other Policie in al the world besides: yet even that also woulde faile vs herein, if anie should rest so far vpon it. *Sect. 20.*

20 But now, if we come to consider, how farre they haue gathered amisse vpon those several Textes that they haue vsed, what others may thinke, I know not, but, for my selfe, I cānot but marvaile at many things that I finde therein. Which kinde of gathering when I also had gathered, as needful to bee commended vnto the farther consideration of the learned, I found them in number to bee so many, & to proceede from so many great personages also, that I thought it sufficient for the matter, and meetest also in some other respects, to take but some few of them (leaving the rest vnto the search of those that desire to looke farther into them:) and therein also, not to deale with al those or many of them that so are minded, but only with some few, & such as the equity of the cause it selfe shal most desire to be called vnto such triall. In which respect I haue thought good to resolue on *Erasmus* for the one, and on Mr *Beza* for the other: because that (of those that are extant, and yet I haue seene) those two haue of set purpose discoursed thereof, and most largely handled the same. And in these also to omit al such collections, as elsewhere by occasion may passe them, while principallie they intend some other matter, I meane to deale but only with those (and but with some of thē neither) that belong vnto the chiefe and principal points of the matter that is in question: namely, how they gather their opinion or iudgement therein; and how they answere such Obiectiōs as may be alleaged against it. And first as touching *Erasmus*, although he professe no more but only to propoūde it,

Then by gathering amisse thereon: but therein only of a couple of them.

Erasmus.

Sect. 20. it, and to commend it to the farther consideration of the learned, and to that end more largely sheweth, both that divers before haue beene of that minde, or at least inclinable vnto it; and that such like things they haue in dayly allowance among themselues: yet doth he plainely enough professe, that (for his part) he is of that minde himselfe; and laboureth also to take away such obiections as seeme to be of force against it. As touching the former of them, the truth is, that as there is none of them all, that do build this opinion of theirs on any other Text besides (excepting those which they did mistake, of which I haue spokē before) but only on that exceptiō which Christ vsed two seuerall times, namely, in the fift, and in the nineteenth of S. Matthew: so he also (for that his opiniō) goeth no further but only to it, and thereupon buildeth that which he hath thereon conceiued. But those words of Christ doth he account to make so plaine for his purpose, that because we allow not on such divorce to marry againe, hee chargeth vs that *in divortio tam rigidi simus, ut magis etiam astringamus verba Christi.* that is, That in divorce we are so hard or greivous, that we do further restraine those words of Christ. And his reasō is, *Etenim quum ille reliquerit marito unam causam repudiandæ coniugis, nos eam multis modis astringimus.* that is, For whereas hee left to the husband one cause for which he might put away his wife, wee doe many waies restraine the same. And after againe, *Iudæi quod Moses scripserat de libello repudii sic interpretabantur, quasi maritis jus esset qualibet levi de causa reijcere cōingē &c. Id Christus astringit ad unam adulterii causam.* that is, The Iewes did so interpret that which Moses wrote of the bill of divorce, as though husbands might put away their wiues for any cause though never so final. That did Christ re-

First for his owne opiniō herein.

Annot. In 1. Cor. 7. pag. 498.

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reſtraine only vnto the cauſe of adultery. And by and by after, *Ergo ſuis Chriſtus vnam duntaxat cauſam indulget diuortij.* that is, Therefore Chriſt alloweth vnto his but only one cauſe of divorce. And in theſe (ſo far as yet I haue found) is his iudgement moſt plainely declared. In which it is good to note thoſe two things: firſt that he buildeth for that matter on no other Scripture, but only on that exception; then, that hee ſo taketh that exception, that thereon he inferreth, that for adultery Chriſt himſelfe alloweth divorce. If he build vpon no other Scripture but only on that exception, thē our buſines lying within leſſe roome, & neerer vnto vs, we may ſo much the ſooner find how it holdeth together that he gathereth thereon. If he ſo take the exception, that thereon hee gathereth, that Chriſt alloweth the huſband to put away his wife for adultery, thē, either muſt the place it ſelfe be of that nature that it can haue no other ſenſe but it: or, if it may haue ſome other beſides, thē is he to ſhew what reaſon he hath why the place ſhould rather be taken as he would haue it, then as others haue taken it heretofore. Whereas therefore it is evident (by the iudgement of moſt men, in the Church of God, who did otherwiſe take it) that the place may haue another ſenſe, and yet himſelfe, hauing ſhewed no reaſon which may ſtand for any iuſt proofe, that the Text muſt needs be taken in that ſenſe that he would haue it, doth nevertheleſſe ſo enter vpon it, and will haue that to be the meaning of it: hence is it, that for any thing that yet I doe ſee to the contrary, hee can hardly avoid the reproofe of a forcible entry, or to looke for ſo much curteſie at his adverſaries hands, as firſt to graunt him, that that ſhall be the ſenſe of the place. And then hauing gotten ſo much for divorce, that in ſuch caſe the huſband may vſe

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the benefit of it, that is to put away his wife if so she haue sinned, then will himselfe inferre the other also (that then he may lawfully marry another) only by telling vs plainely, what divorce it is that he meaneth. For he saith

Ib. pag. 498. *Diuortium interim appello*, not that, *quo dirimitur domestica consuetudo, manente coniugij vinculo*, but *verum, & quale solum illa nouit ætas, qua licebat, à repudio prioris, alteram ducere.* Whereby he giueth vs to vnderstand, that he meaneth such divorce as altogether breaketh the bãd of marriage, and not such as standeth by law all Christendome through (almost) if there bee no other cause but adultery only. Which two if we lay together, namely, that Christ alloweth divorce in case of adultery, and then, that the divorce must also be such as giueth free liberty to marry againe, the collection that he maketh on those wordes of Christ must needs be this, that Christ alloweth those that be his, to put away their wiues for adultery, and to marry againe: an opinion that is, notwithstanding al his submissions and protestations before and after, more boldly avouched; then it is with any of his proofes that yet I haue found, or (as I am persuaded) ever shall, strongly confirmed. As touching the latter, that is, how, for his defense, he gathereth vpon those places that doe seeme to make against him, we are first to note, that some there are with which at all he doth not meddle, and yet are of special importance against the opinion that he conceiued: & then further we are to consider how he gathereth his defense out of those that he vseth. If some there be that hee medleth not with, and yet are of special importance, then may we account, that his defense is so much the weaker: and those places that now I speake of are those two, the one of Deuteronomie, the other of Malachie, that I shewed

Then, for his defense against others.

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before to bee moſt likely to bee miſtaken, in which the Hebrew in them both, & the Septuagint alſo in the latter of them, do ſo frame thoſe Texts to ſpeake, as that to one that would haue cleered the queſtiõ of the doubts thereof, thoſe alſo had beene as needefull to bee anſwered, as not many others more. Thoſe that he vſeth, are certain of thoſe ſpeeches, which (concerning this matter) were vttered by Chriſt: and certaine others of the Apoſtle S^t Paul. Thoſe that he taketh of Chriſt are three: two of thẽ in effect but one; but the other, a ſeverall one by it ſelfe. Thoſe that are in effect but one, are thoſe two ſo well knowne places, in the firſt and nineteenth Chapters of the Goſpell by S. Matthew. Where Chriſt doth ſo much reſtraine the liberty of divorce, reſtraining it vnto adultery only, as theſe men take it. Out of which how hee gathereth for his defenſe, is a thing very ſpecially worth the marking. For hee doth not now gather, as the reſidue do, vpon the advantage that is ſuppoſed to lie in the Exception; but out of the whole reſtraint generally: gathering, that the doctrine which was there delivered, did draw ſo neere vnto the perfection of true Chriſtianity, that if wee ſhould exactly apply it vnto our liues, to make it a rule vnto vs, we had need to vſe ſome favorable interpretation of many things therein; or that wee had ſome diſpenſation to avoid the ſtrictnes of it. For the former he ſaith, *Verùm quum eodem in loco complura doceat quæ purè germanéq; Chriſtianis digna ſunt, cur in cæteris omnibus recipimus interpretationem, in vno divortio tam rigidi ſumus, vt magis etiam aſtringamus verba Chriſti?* that is, But ſeeing hee teacheth many things in that place which may right well become Chriſtians indeed, how commeth it to paſſe, that in al the reſt we content our ſelues with (ſome favourable) inter-

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Out of the words of Chriſt.

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Sect. 20. pretation, and only in divorce we are ſo auſtere, that wee doe even further reſtraine thoſe words of Chriſt. And anon after, when he hath ſhewed how much we reſtraine, as he doth take it, thoſe words of Chriſt, comming to that courſe againe that he may giue in ſome examples of it, he further addeth, *Hac igitur una in parte tam mordicus tenemus ſummum, quod aiunt, jus, in cæteris quamvis recipientes*
Ibid. *interpretationem. Vetat inibi, Ne juremus omnino: vetátq; multò ſeverius quàm divortium, & pluribus verbis inculcat: & tamẽ ob tres drachmas juramus paſſim, ſic excuſantes, Non eſt jurandum temerè. Cur non item, Non eſt divertendum temere? Vetat ille iraſci: Mox ſubijcimus, Temere. Vetat ille compellare quenquam contumelioſius: nos etiam colaphos impingimus, deniq; occidimus, & excuſamus, Non lædendi ſed caſtigãdi animo &c*; that is, Therefore in this point wee doe ſo ſtrictly cleaue vnto the vttermoſt that may ſeeme to bee vrged thereby, receauing any interpretation in the reſt. He there forbiddeth, to ſweare at all. And with greater ſeverity he forbiddeth that, then he doth divorce, & with more words doth beate vpon it: and yet for the worth of a ſhilling we commonly ſwere, excuſing our ſelues, that we are not (indeed) to ſweare raſhly. And why not as well, that a man, may not leaue his wife raſhly? He forbiddeth to be angry: and we by & by adde (the meaning to be, that wee doe it not) raſhly. He forbiddeth to reproach any: yet we even beat, and ſlay alſo: & then excuſe our ſelues, that we doe it but to chaſtice him only, and not to hurt him. And ſo forth, bringing divers other ſuch inſtances or examples beſides: and ſo concluding on them likewiſe. For
Pag. 499 the latter he addeth likewiſe, *Si ut conditus erat homo, perſeveraſſet, nullum erat futurum inter vllos divortium. Chriſtus revocans ſuos ad priſtinam innocentiam, non vult divor-*

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tium, quia non vult duros corde: & tamen Paulus indulget humanæ fragilitati, relaxans sæpenumero Domini præceptum. Cur non idem facere possit Romanus Pontifex? that is, If man had continued as first he was made, there would thē haue beene no divorce among them. Christ calling back those that were his to that former innocency, will haue no divorce, because he will not haue them to be hardharted: & yet Paul beareth with the infirmity of man, releasing oft-time the Lords commandement. Why may not the Bishop of Rome do the same likewise? By which, I trust, it may sufficienly appeare, that he rested not on that supposed allowance of divorcing for adultery, but (over and besides that) accounteth the residue of that prohibition of divorce so streight, as that it were needfull for vs, either to haue some favourable interpretation for it; or at least to be dispensed with all for some part of it: and yet that in either of those his gatherings he hath one speciall slip besides. For in the former, when he pleadeth for such favorable interpretation, the only force of his reasoning standeth, as it were from the like, or else from the lesser vnto the greater. Which hee endeavoreth to confirme vnto vs by all those examples that there he bringeth, of which I recited but a few of them: shewing, that seeing we doe in such sort interpret them, as that wee doe not account our selues to be tied to the letter of thē (as indeed we doe for the cheifest of thē, & those that giue credit (that which he seeketh) vnto the rest, & so may doe by good Divinity; the rest being none of our interpretatiō of them, but only the fruits either of the ignorance of those daies, or of the corrupt affections of flesh & blood) we should in like sort, if not much rather, interpret that of divorce likewise, as his own words do plainly declare. But now the truth is

Sect. 20. that that interpretation of ours which we giue of the reſt ſtãdeth by authority of the word of God,& that by other Scriptures we are forced ſo to take thẽ (as when there we are forbiddẽ to ſweare at al,& yet elſewhere are taught to ſweare by God, & that it is a part of the worſhip that we muſt do him:)and that the interpretation that he woulde haue vs to make of the other, is not ſuch as any other Scripture doth lead vs vnto;but ſuch as al other Scripture directly croſſeth as we do take it,and truſt to make plaine ere we haue done. And then,if we haue Scripture for the one,but not for the other, howſoever that motion of his may ſavour well of great humanitie : yet wel maie wee doubt, that ſuch ſtuffe would be but ſeelie Divinitie. In the latter likewiſe, beſides that he chargeth S. *Paul* to diſpence ofttimes with the Lordes commandement(which would be hard for him to proue,)and thẽ he ſeeth no reaſon,but that the B.of Rome might do ſo alſo (wherein he ſpake according to the manner of thoſe daies, or els but offereth ſomewhat to ride him) he may ſeeme to gather, that Chriſt did no farther reſtraine divorce vnto his, neither himſelfe had anie farther meaning, but ſo far as their hardnes of hearts ſhoulde bee alſo aboliſhed,that thereby they ſhould not ſtand in need of that help to their infirmitie:which courſe if in other things alſo we ſhould attẽpt, ſooner ſhould we ſhew our ſelues to endeavor, rather to make our corrupt inclinatiõ a rule to interpret the Scriptures vnto vs;than to allow,that the Scriptures ſhould be a rule vnto vs,whereby to amend, or to call to the checke, whatſoever ill waies there are in our owne corruption. That which is a ſeveral one by it ſelfe, is that ſame that in the *19*.of *Matthew* Chriſt alſo vttered, that it was not for man to put aſunder, that which God hath coupled togi-

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ther. Concerning which he saith, *Porrò quod obijcitur ex eodem loco, Quod Deus conjunxit, homo ne separet, nō magno negotio solvi potest. Hoc Deus conjunxit quod rite conjungitur: hoc Deus dirimit quod rite dirimitur.* That is, Furthermore, that which is obiected out of the same place, that which God hath coupled togither, that let no man put asunder, may soone be answered. That (only) hath God coupled togither, that is coupled aright: & that doth God (himselfe) breake a sunder, that is wel put a sunder. In which course also he then in such sort proceedeth, that although he wel provideth that he wil haue no divorce to bee made by the parties themselues, nor by anie but onlie such as are in authoritie for those matters: yet he plainely sheweth, that he would haue it to bee done for more causes than for adulterie, and yet that it also should be Gods doing too. *Quod male*, saith he, *cōglutinavit puericia, quod vinum, quod temeritas, quod insciti a, quod male per lenas ac lenones, suos Diaconos conjūxerat diabolus, hoc per suos Ministros rectè dirimit Deus*: that is, that that which childhood, which excesse in wine, which rashnes, which ignorāce had coupled togither, that which by harlots and bawds his owne proper Deacons the Divel had ioined, those doeth God by those Ministers of his rightly put asunder againe. To which ende also he tolde vs a little before, that neither among the Gentiles, nor yet among the Iewes matriages were accounted to be of force, without the cōsent of the parents, or the principal friends vnto them appertaining: *& tamē apud utrosq; aliquo modo dirimi poterat matrimonium. Apud Christianos facilime coit conjugium, & semel initum nullo pacto potest dissolvi*: that is, & yet with thē both, marriage might some way or other bee dissolved among thē. But among Christians marriage is most easilie made, and

Sect. 20. lb. pag. 499.

Ibid p. 500.

Ibid p. 499.

Sect. 20. yet when it is made, then is there no waie to vndoe it againe. In this therefore (pleading for so great a liberty to diuorce, as hee doth) hee hath not only no Scripture for him, but now also even the most of those, that (in these daies of ours) are for diuorce and marrying againe, flatlie against him: & so, his gathering herein not only in truth, but also to them, who only shoulde haue the benefit of it, sufficiently weakened. Those that he taketh out of S. *Paul*, are three likewise: but the first two of them, in effect, but one; and the third a seuerall place by it selfe. The first two are, the one, out of the seuenth likewise of the former Epistle vnto the *Corinthians*. To the former of them, that sheweth the woman to be bound to her husband so long as he liueth, his answere is, *Non hic agit Paulus de diuortio, sed similitudinem adducit Iudæis ex ipsorum lege, qua doceat ac persuadeat, antiquata jam Mosi lege per euangelium, non amplius illos teneri legis cæremonijs, quũ Christo nouo sponso nupserint. Nec est necesse similitudinem aut parabolam quadrare per omnia, &c.*: that is, The Apostle doth not here speake of diuorce (which notwithstanding himselfe doth but saie, & not proue) but he bringeth vnto the Iews a similitude out of their owne law, by the which hee may teach and perswade, that the Law of *Moses* being now abolished by the Gospel, they are no more bound to the ceremonies of the law, being now married to Christ their new husbãd. Neither is it needful that a similitude or parable should in all things agree, a thing that is not in this required: and yet must the thing it selfe be true, if anie thing shalbe proued thereby. To the latter of them (much like to the former) he answereth likewise, *Ne hic quidem Paulus tractat materiam diuortij, sed adhortatur pro illorum temporum statu, ut quæ liberæ sunt à conjugio, præsertim viduæ (nam ad harũ cau-*

Out of S. Paul.

Hom 7:2,3, 4.

Ibid. p. 502.

Ib. pag. 503.

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iam videtur redire) abstineant à cõjugio, &c: that is, Neither here doth *Paul* treate of the matter of Divorce, but he exhorteth, as the estate of that time required, that such womenas were free from marriage, especially widdows (for he seemeth to returne to them againe) would abstaine frõ marriage, to the end they might be freer from worldly affaires, &c. Which assertion of his, besides that he hath not proved it, maketh little for him, for that though the Apostle did not to that end speake it; yet nothing letteth, but that so it may be applied. That which is a several place by it selfe, is out of the selfe same chapter also vnto the *Corinthians*, where the Apostle requireth in the name of the Lord, that the wife depart not from her husband, and that the husband do not put away his wife: which, as himselfe saith, is *locus omnium difficilimus*, that is, the hardest place of them al. Concerning which his best answere is, that S. *Paul* there doth not treate *de gravibus flagitijs, quæ crimen adulterij vel æquent, vel superent etiam: sed de levioribus offensis, ob quas, apud Græcos potissimum, crebra fiebant divortia:* that is, not of grievous crimes which were as great as adulterie, or greater rather, but of the lighter offences, for the which especially among the Grecians, there were oftẽ divorces made. Alleadging also a testimony out of *Iuvenal*, of one that had, by such dealing, eight husbands in fiue yeares. And the reason that he bringeth, why hee taketh it that the Apostle spake but of lesser offences, he gathereth out of the reconciliation that there is mentioned: which notwithstanding prooveth it not; but leaveth it only on the credit of his owne iudgement. Which belike himselfe did somewhat perceiue, because hee rested not therein, but tooke hold of some others, and those also as weake as it: one, of difference of the sex, pleading that he gaue that

Ibid. p. 503.

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Sect.21. lesson but only to womē(which while he doth, he letteth slip a scape or two;)the other,his owne ghesse, what the Apostle would haue set downe for such matters, if the case had beene put vnto him, as it is with vs. And when yet he doubteth that this his answere will not content all, but that some may happily vrge that the Apostle did not there meane to exclude the cause of Adultery, for that, it seemeth,he had no more to say but this , *Cur non excipit quod excipit Dominus? Imò cur addidit,quod non addidit Dominus,Maneat innupta? Cur viro prohibet ne dimittat , cui permittit Christus,ut dimittat adulteram?* that is, (altogether reasoning,if you marke it,on that which is in question among vs,and yet grounding thereon as if it were either proued by him, or by vs granted vnto him) Why thē did not the Apostle except,which the Lord himselfe excepted? And more then that;why did he adde,which the Lord added not,namely,Let her abide vnmarried? Why doth hee forbid the husband to put any away , when as Christ himselfe alloweth to put his wife away,if she be an adultereresse? And thus much to shew,how Erasmus hath gathered,both for his conceiuing of that opinion at the first: and for the cleering of it besides, of those obiections which he saw might be made against it.

M.Beza how hee likewise doth gather amisse.

21 Mr Beza wrote long after Erasmus , when as the motion that he had made was now considered vpon by many,and condescended vnto by some: and he wrote so purposely of it,that if there be any thing that may rightly be gathered for it,we may hope to finde it in him; and,if that shalbe sufficient to confirme that point of doctrine vnto vs,that then we shall finde nothing at all, that wilbe wrong or hardly gathered.Here therefore it shalbe good to consider,what he hath found,either whereon to build

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that opiniõ of his, or to defend it againſt thoſe Scriptures that are againſt it. What he hath found, for the grounding of his owne opinion therein, we may ſufficiently gather out of that which himſelfe ſetteth downe for that matter. For, after that firſt he hath ſundred certaine other things from the queſtion that he hath in hand, which otherwiſe might haue cũbred him very much therein, he plainly inferreth *Adulterio igitur coniugium, rectè & bona conſcientia, dirimi poſſe affirmo, expreſsis hac de re Chriſti verbis.* that is, Therefore I affirme, vpon the expreſſe wordes of Chriſt, that rightly and with a good conſcience, marriage by adultery may be diſſolved: as reſolute, and as plaine an aſſeveration, as at any time needeth; and therefore likely enough to haue ſome ſpecial good ground worke whereon it is grounded. Which, by his quotation in the margent, himſelfe doth ſhew to be thoſe very words that before we ſpake of, and which are in queſtion betwixt vs, & that they are thoſe *expreſſe wordes of Chriſt*, that hee did meane. Howbeit thoſe are they, that, as touching the ſenſe of them, are altogether in queſtion betwixt vs: and by what right may he then account them ſo *expreſſe* or plain on his behalfe, when as hee knoweth that that is plainely denied vnto him. Which becauſe he could not but know, that therein he was contradicted by many, therefore hee addreſſeth himſelfe immediatly to proue, that that muſt be the ſenſe of thoſe his words: and needfull it is, that we doe well marke the force of his reaſon. *Quum enim*, ſaith he, *videret Chriſtus Legem de lapidandis adulteris latam (ut & alias pleraſq;) contemni, cauere tamen conſcientiis voluit: ideoq; interrogatus, an, ut facere plurimi ſolebant, quauis ex cauſa diuortij libellum tradere liceret, ſic reſpondit, ut non tantum negaret id fas eſſe quauis ex cauſa, verumetiam exprime-*

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First in eſtabliſhing his own opinion

De Repud. & diuort. pag. 109.

Mat. 5. 32. & 19. 9.

Sect. 21. *ret, nulla id ex causa nisi ob adulterium licere: quibus verbis nihil planius aut magis perspicuum dici potest. Itaq; nullus adhuc est, quod sciam, inter Christianos, seu veteres seu recentiores inventus, qui non concesserit, probato adulterio, fas esse innocenti nocentem dimittere: sed plerique excogitata distinctione inter separationem à thoro, & dissolutionem ipsius conjugalis vinculi, quod rectè prius constituerant mox evertunt, quũ novi conjugij potestatem separatis non concedunt. Cujus sententiæ quum etiam Augustinus ipse fuerit, necesse est imprimis ostendere, quam firmis rationibus omnia contraria argumenta doctissimi Theologi nostra memoria diluerint.* that is, For whẽ Christ did see that the law of stoning adulterous persons to death (as divers other good laws besides) were not regarded; yet would he provide for the conscience therein: and therefore being asked, whether as many did vse to doe, it were lawfull for every cause to giue a bill of divorcement, he so answered, that hee did not only deny, that for every cause it was lawfull so to doe, but also did plainely set down, that it was lawful for none other cause, but only for adultery: then the which, nothing can bee more plainely, or perspicuously spoken. And therefore is there none found as yet, that I knowe of, among Christians, either of olde or of late, which hath not allowed that adultery being proued, it is lawfull for the innocent party by divorce to put away the offender: but divers of them, hauing deuised a distinction betwixt the separation from bed, and the dissolution of the band of marriage it selfe, doe by and by overthrow that, which rightly they did allow of before, seeing that they doe not graunt liberty to marry againe, to those that are in such sort sundred. Of which opinion seeing even Augustine himselfe was, it is specially needfull to shew, with how strong reasons the most

moſt learned Divines in this age of ours, haue clean wipt away all the arguments of the contrary ſide. And ſo, hee preſently ſetteth in hand to anſwere thoſe Obiections, that hee thinketh to ſtand in the way of that reſolution. But firſt let vs ſee what proofe it is hee hath brought for his owne. Forſooth that Chriſt, for that hee ſaw that the law for ſtoning adulterous perſons to death was deſpiſed, purpoſing to provide for the conſcience before God, he therefore &c. What haue wee here, but only his owne gheſſe, that that was the purpoſe and meaning of Chriſt? Which if it were not, as then wee haue herein no proofe at all: ſo if it bee no more but doubtfull, for that hee might as likely haue ſome other meaning (which after I truſt wil eaſilie appeare) yet then alſo this coniecture of his may not iuſtlie ſtand for any ſound proofe neither, although for his worthines otherwiſe his iudgement may be had in ſpecial reverence. And it is not to be denied, but that that which he bringeth in immediatly after, of ſo generall a cõſent of al, in the allowance of Divorce for adulterie, doth much make for that iudgmẽt of his at the firſt ſight; but then there is to be conſidered withall, both that they miſtooke thoſe places of the Old Teſtament, which they thought to allow of Divorce for leſſe matters; and that yet they did not allow of ſuch divorce for adultery, as might diſſolue the bond of marriage. For if they did ſo far miſtake thoſe places aforeſaid, as that then they made no queſtion, but that by the word of God divorce was allowed for leſſer matters, then they might eaſily be of opiniõ, that there was no doubt, but that much rather it was allowed for the greater: and in that they were ſo loath to allow, that even for it alſo the bond of marriage ſhoulde ſtand as broken, it may ſeeme thereby, that although they

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Deut. 24. 1.

Sect. 21. had in minde thoſe wordes of Chriſt, alwel as theſe, yet how plaine ſoever Mr *Beza* doth account thē, they could not finde that ſo they might take them. Now that S. *Auguſtine* was of that minde too, that doth weigh ſo much againſt him, as the credit of his iudgment ſtandeth with any. Whether therefore wee may be bold to account, that here among theſe plaine and reſolute ſpeeches wee haue any proofe whereon to ſtay our cōſciences before God, or whether nothing could be ſpoken with greater perſpicuitie, when as ſo many (and ſo quicke of ſight) could never ſo finde it, that do I refer vnto others, & thinke it needful to be pondred of ſuch, as any way haue occaſiō to vſe the benefit of ſound iudgment therein. But belike Mr *Beza* did not meane much to confirme, that to be the ſenſe of the words of Chriſt that he had gathered (for that hee thought that matter cleere enough in it ſelfe) but haſtned rather to anſwere ſuch Obiectiōs as he found to be made againſt it. And ſo are wee alſo to ſee, how he contenteth himſelfe therein. The Obiections therefore that himſelfe acknowledgeth to be brought againſt it, are halfe a ſcore: whereof the one halfe are brought out of the worde of God; the other, out of other reaſons beſides. As for vs, it ſhalbe ſufficient to take the aſſay only of thoſe that are taken out of the word of God: and thoſe are the verie ſame (and none other) that *Eraſmus* before had brought, both for the places of Scripture out of which they are taken, & for the order & diſpoſing of them; and, excepting the firſt, for the matter alſo. Theſe therefore are likewiſe taken, ſome of them out of the words of Chriſt: & ſome of thē, out of the Apoſtle S. *Paul*. And ſo belike wee haue al this while found nothing more in effect in the worde of God for this matter, than *Eraſmus* had found at the firſt, when hee

Then, in anſwering to certaine Obiections,

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hee made the motion of it. Those places that are of the words of Christ are three: but the first two are heere also ioined togither in one, and so do both stand but for one, & the thirde, for another by it selfe. Those two places of Christ that make but one, are those former places out of the 5. and 19. Chapters of S. *Matthew*: but the Obiection that M^r *Beza* gathereth, is not like that which *Erasmus* gathered before, but varieth from it. For whereas *Erasmus* gathered out of the austeritie or strictnesse of the whole, but that one way or other the strictnes of it was to be mitigated vnto vs, M^r *Beza*, on the other side, out of the libertie that he supposeth to be given by the one part of it, answereth an Obiection that out of another part of it is made against them. As touching the Obiection hee saith, *Primùm opponunt illi istud Christi dictum; Qui repudiatam duxerit mœchatur. Nam certè si penitus solutum esset vinculum, mœchari vir ejusmodi non diceretur*: that is, First they obiect that saying of Christ, He that marrieth her that is divorced, committeth adulterie. For truely, if the bond of marriage were cleane broken, such an one should not bee said to commit adulterie. Vnto which his answere is, *Exceptionem priori membro additam, in posteriori quoq; esse repetendam*: that is, that the Exception that is added vnto the former member of the sentence, is to bee repeated againe in the latter part of it. But this is no more but only saide: the proofe doth follow immediatly after, in this manner; *Nam si qui dimittat uxorem extra causam fornicationis, facit ut ea mœchetur, consequitur eum qui uxore propter adulterium repudiata aliam duxerit, non facere ut ea mœchetur. Ex quo rursum colligitur, id quod subiecit, apud Matthæum de repudiata, non nisi repetita ex priore membro exceptione intelligendum, quoniam Dominus alioqui sibi contradixisset*: that is, For

Sect.21. if he that putteth away his wife, without the cause of fornication, maketh her to commit adulterie, it followeth (saith he, but let others iudge, whether it doe so or not) that hee, which putting away his wife for adulterie doth marrie an other, doth not make her to commit adulterie. Out of which againe it is gathered, that that which is there added concerning her that is put away, is not to be taken but with the Exception that is in the former member, because otherwise the Lord shoulde contradict himselfe, or in one part of the sentence should go against that which he setteth downe in another. Which proofe of his though he do somewhat further backe against one thing that is in that place obiected besides: yet this is all the proofe that hee hath for this very point that nowe wee speake of. But, if we marke it, me thinke it wil soone shew it selfe to be a strange kinde of proofe. For, admit that the Exceptiõ that now we speak of, must needs imply (which notwithstanding wee doe not graunt, but avow it to bee the thing that lyeth in question betwixt vs) that for adultery a man might lawfully put his wife away: yet doth it not so necessarily follow that every one might so doe; or, that no case might be such, but that, if the wife committed adultery, then might her husband lawfully divorce her from him. For it is sufficient for the truth of the proposition (even in that sense takẽ) if any case be such, as that for adultery it may lawfully be done. As, though we may truly say (as the Scripture also in many places, in effect and meaning doth, though not in the same tearmes) that God had no peculiar people for those daies in all the worlde, *except the seede of Abraham*, or *out of that stock* or race of his: yet doth it not follow, that all those were of that fellowship; but only, that he had none other besides. Whereas there-

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therefore that exception may bee satisfied with any particular (that, for adultery, as the case may bee, it may bee allowed) and yet he inferreth a generall vpon it, saying *that he, that putting away his wife for adulterie, marrieth another, doth not commit adultery* (for though the proposition, in those tearmes, be but indefinite, yet is it an vniversall by nature) hence doth it follow, that his proofe is of nō better force, then an argument may bee that is taken from a particular vnto a generall, or frō the part vnto the whole: as, God for a time had no people in all the world to bee his peculiar people, but only the seed of his servant Abraham: *ergo*, all the seed of Abraham were of his peculiar people. And therefore it is so much the more strange that Beza inferreth, that otherwise Christ had contradicted himselfe: as though it were any contradiction to say, that for adultery the case might bee such, as that the husband might lawfully put away his wife for it; and yet, that in some other cases he might not. His other Obiections, as they are the same that Erasmus had gathered before: so are they by him sent lightly away with the selfe same answer that Erasmus before had giuen them. For vnto that other, of the words of Christ, that no man should part those whom God hath coupled together, whereas Erasmus before had said, that such were not parted by man but by God, Beza saith likewise, *Concedo totum illud argumentum &c; sed nego divortij propter adulterium authores esse homines, &c*: that is, I graunt, saith hee, that whole argument: but I deny that men are (to be accounted) the authors of that divorce that is for adultery. So that, thus far, and so in the very answere it selfe that they made to this obiection, they both agree. But then in the confirmation of it they vary, M. Beza quite giving over that course that

Eras-

Sect.21. Erasmus is in, and betaking himselfe to another: Erasmus building vpon disorders that were commonly committed in making of marriages; and M. Beza, vpon that law of God that adiudgeth adulterers to death, and vpon that exception of Christ. Wherein whether M. Beza hath bettered his course or not, that I leaue to bee decided by others that will: but sure it is that therein he liketh not of that of Erasmus; in that himselfe hath taken another. For as touching that of Erasmus he saith plainly, that he doth not *assentiri iis qui putant Magistratibus licere novas divortiorum leges condere.* that is, That hee doth not ioine in opinion with them, who thinke that Magistrats may make new lawes of divorcements. And the proofe that he wil haue for his opinion in this (namely, that, not mē, but only God must be thought to be the author of that divorce that is for adultery) is no more but this; *Quum Dominus jam olim adeo expressè voluerit adulterio matrimonia dissolvi vt etiam adulteros morte punierit: & postea rursum Christus consulens conscientijs propter Magistratuum negligentiam, adulterium iceeperit, quum de divortio non licito differeret.* that is, seeing that the Lorde in times past, did so plainely declare that he would haue (euen the band of) matrimony to be dissolued by adultery, that hee punished those that so offended even with death: and after againe Christ providing for our consciences, hath for the Magistrates negligence therein, excepted adultery, when he treated of such divorce as was not lawfull. Concerning both which we plainely see the latter of them to hold no further, that that same exception of Christ may bee found to serue his purpose, which is the thing that is in question betwixt vs, and seeing himselfe knew that so it was, it may seeme that he doubted of the other also, when as hee went about so hardly

hardly to help it in this. And the truth is, that in the other his reaſon holdeth but very weakely, that ſeeing God ordained that adulterers ſhould be put to death, therefore the huſband, if his wife haue that way offended, may account himſelfe looſed now from the band of marriage that was betwixt them: becauſe, as it is a generall rule with all the learned, ſo Eraſmus himſelfe his owne partner hath ſet it downe in plaine tearmes, that, in his iudgement, *diſpicere quod agat is qui loquitur*, that is, to conſider what is the intent or purpoſe of him that ſpeaketh, is *præcipua clavis ad intelligendam myſticam Scripturam*, that is, the chiefe key to open vnto vs the ſecret ſenſe of Scriptures. And then it is plaine, that in that law the meaning of God was not, to ſhew when the married might accoũt themſelues to bee looſed of that band wherewith they were tied the one to the other: but how Magiſtrates ſhould in ſuch caſe execute his iudgements among their people. Againe, whoſoever would ſo reſolutely ſet down that the band of mariage were ſo cleane diſſolued betwixt man and wife, only for that, when either of the parties are found to haue committed adultery, they ought by the law of God to die, they had need to be further adviſed, firſt as touching this preſẽt crime that now we ſpeake of, whether that ought to be the determination of all eſtates for life generally (as when one hath that way deſerued death, he that is in reverſion ſhould then account the right of the thing to be his, whether that the Magiſtrate and laws doe nevertheleſſe ſpare him his life or not,) and whether, ſuch as owe any other duty beſides, as children to their parents, ſervãts to their maſters, and ſuch like, might likewiſe in ſuch caſe be allowed to account themſelues diſcharged of it: and then, as touching ſome others beſides, when a-

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Annot in 1. Cor. 7. pag. 503.

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Out of S^t Paul,

De Repud. & Divort. pag. 110.

dif-

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dissolued by divorce, but of such as is still in force; and that a woman condemned of adultery may not bee said to bee vnder her husband, for that *etsi adhuc is est superstes qui vir ipsius fuit, non est tamen amplius vir ipsius, nec ipsa potest esse simul mariti & adulteri caro*, that is, Albeit he were yet liuing that was her husband, yet now he is her husband no more, neither can she be the flesh both of her husband & an adulterer. To the latter he addeth likewise, both that he teacheth widdowes there, *soluto per mortem matrimonio, posse bona conscientia ad secundas nuptias convolare*, that is, mariage being dissolued by death, they may with good conscience marry againe: and that therein he had respect but to the vsuall and ordinary cause, præsupposing, *inter fideles quibus scribebat, vix alia ratione quàm morte matrimonia dissolvenda*, that is, that amõg the faithful to whom he wrote marriage could hardly be dissolued but only by death. In the answere vnto both which, what haue wee else to ground vpon, but only his own opinion avouched againe; and here also but weakely confirmed? Hee saith the Apostle doth not here speake of the causes of divorce. Who saith that hee doth? What is that to the purpose, that of them he speaketh not now? By other occasion he speaketh that, which may shew vs, how vnadvised we are in this. And why should hee speake of that which was not? We præsuppose that divorce was, by the law of God allowed vnto them: and the latter Iewes, in the time of Christ, seeme much to be of the same minde also, though they might so say to some other purpose. But there was no such liberty giuen them indeed: and therefore we may not looke that the Apostle shoulde speake of it. And should we never suffer our selues to be better led, or our iudgements to be rectified by any Scripture, but only by

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Exod 3, 6.

Mat. 22: 31, 32.

Deut. 25. 4

1. Cor. 9: 8-11.

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point to teach widdows in the Church of Corinth, after that the Gospel was now already receiued among them; & that had a great part of their light from so many of the ancient people of God conversing among them (with whom such marriages were very common, the Gentiles also being little behinde them therein) that this sentence of the Apostle, which otherwise woulde serue vs marvelous wel to giue vs sound direction in this, and in diverse such other matters besides, must so bee restrained to vvid-dowes only, that we, in this case, may not looke to haue any benefit of it? Truely it is good to care for widdowes, & it is a thing that is much commended vnto vs, not only in the word of God, but in all other good learning besides: but in al things there is a meane to be kept; & widdowes themselues (it is to be thought) wilbe content, that wiues also haue all their due. Or did he so restraine those words of his, vnto that which was then most commonly vsed, that, for the matter now we speake of, he would not haue vs to take so much of our direction thence? Or did the Apostle presuppose no farther on the behalfe of the faithful as touching their holinesse and constancie in wedlock, but only that *hardly* or *scantly* they accounted wedlocke to be dissolved among them but only by death: or, if of the two, may not a mã that is careful to finde the truth, rather doubt, that this is but an hard & a scant interpretation of this place of the Apostle? That which is of severall force by it selfe, is out of this chapter also of that Epistle vnto the *Corinthians*, where the Apostle saith, that not hee, but the Lord commandeth women not to depart from their husbands, and, if they do, to seeke to be reconciled againe, or to abide vnmarried: & that the husbands put not away their wiues. Whereunto he saith, *Respondeo, Paulum hic nõ* 1 Cor. 7: 11. Ibid. p. 110.

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ven in this Epiſtle alſo in divers things els, it may rather ſeeme, that ſeeing it were ſuch a diſorder, ſo eaſily vpon variance to breake of the bond of marriage betwixt them, that that was not the thing, that S. *Paul* there doth ſpeake of, but ſome other thing that was more vſed & more tollerable alſo, and yet not to be allowed neither; as, for the woman ſo to depart, or for the huſband to put her awaie, either for adultery, or at the leaſt vpon ſome great occaſion or cauſe given whatſoever it was. Elſe I ſhould hope, that among them, for any matter ſo apparantly ſo fowle, even among the heathē alſo, the Apoſtle ſhould not haue neede to haue vſed the name of the Lord therein: or at leaſt ſhould thinke, as I ſaid before, that he would haue ſet his inſtrument on ſome other tune, for a matter of leſſe importance then it. Now the reaſon that himſelfe alleageth, why he is perſuaded that that is the ſenſe of the Apoſtle, himſelfe in this manner giueth in vnto vs. *Hoc autem ita eſſe, manifeſtè indicant Apoſtoli verba, qui inquit in genere: Vir vxorem ne dimittito, & vxor à viro ne diſcedito. Quid ſi enim adulterio peccarit altera pars, annon innocenti licebit ſaltem à nocente diſcedere? Relinquitur ergo verum eſſe quod diximus, nempe, Apoſtolum de ſimultatibus & rixis, non de vero divortio loqui: quod mirum eſt Auguſtino in mentem non veniſſe.* that is, But that this is ſo, the wordes of the Apoſtle doe moſt plainely declare, who generally ſaith, or ſpeaketh to all indifferently, Let not the man put away his wife, and let not the wife depart from her huſband. For what if either party ſhall commit adulterie, ſhall it not bee lawfull for the innocent party, at leaſt to depart from the offēder? So it muſt needs be true that we ſaid, namely, that the Apoſtle did not ſpeake here of true divorce, but only of contentions and brablings: which it

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Sect. 22. is marvel that S. Augustine did never thinke of. Whether these words of the Apostle do so plainely proue it or not let others iudge; for betwixt vs, I peceiue very well, that in no wise it can be decided. For what proofe hath it at all, but only which standeth on this principle, that the innocent party may in such case at least depart from the other? But what warrant any where haue we for that, either in the old Testament or in the new? In policie, I grant and for the hardnesse of our harts it may after a sort bee tolerated among vs: and among the Iewes before: but where haue we otherwise any one authority for it, when it is rightly examined? Againe, as yet I see no cause to the contrary, but that a simple man might so strongly hold, that thē especially the innocēt party had more iust occasion to stay, thē to go, that I think it might cūber the most learned that is, to bring in any reasonable probability against it: and much more, to evince it indeed. So strong is the charge, that all married couples haue taken vpon them, the one of the other; and so weake it is (setting our owne private affection aside) whatsoever it is, that as yet is brought to the contrary. And therefore I beleeue that himselfe did not wonder more, that S. Augustine never conceiued so much of it; then any indifferent one of his Readers will marvell that hee should make it so cleere a case as he doth.

How weakly they reason on the authoritie of men.

22 Of those reasons of theirs that rely on the authority of men, we haue two sorts likewise: whereof some of them stand on the authority of those that in some sense may seeme to bee with them; and others againe, on the authority of those that are against them. Those that in some sense may seeme to be with them, are of two sorts also: some that are directly with them; and others besides,

First, out of those that may seeme to bee with them.

that

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that are not againſt them. Thoſe that are directly with them, are of two ſorts alſo: ſome, in their opinions; others in their doings only. Of both which by Eraſmus, among others of that kind, we haue noted vnto vs, that firſt amōg the ancient Fathers *non defuerunt qui ſenſerint à rectè dirempto matrimonio, licuiſſe cum alia copulari.* that is, That there were who thought that after marriage well diſſolved, it was lawfull for them to marry another: and namely, that Origen, Tertullian, Pollentius (whome belike becauſe otherwiſe he was not to haue his place in this company, he tearmeth *Gravem & eruditum virum*, that is, A graue and a learned man) & Ambroſe, were al of the ſame opinion, or at leaſt did at ſome time incline vnto it; and that Auguſtine, though he wrote againſt the aforeſaid Pollentius about that matter, yet that hee dealt not with him as with an hereticke, but as with an adverſary in that opinion only, & did in ſuch ſort confute his opinion, that nevertheleſſe he did not therein charge him with hereſy. Againe, that *clarè pronunciat ſceleratius eſſe extra connubium libidinari, quàm à divortio novo marito junctam vivere*, that is, that he cleerely pronounceth, that it is more wicked, out of wedlock to play the harlot, then after divorce to liue in marriage with another huſband. Againe, if a woman that after divorce marrieth another, that he doth not ſimply deny her *hujus eſſe vxorem; ſed magis eſſe illius quem relinquit, quàm cui nupſit*: that is, to bee the wife of this man; but rather to be the wife of him whom ſhe left, then of him whom ſhe hath married ſince. Then alſo that *ſi recentiorum opiniones excutiamus, quibus hactenus plurimum authoritatis & fora & ſcholæ tribuunt, comperiemus inter hos fuiſſe, qui putarint matrimonium poſſe dirimi, aut certe qui putarint hoc argumentum eſſe diſputabile.* that is,

Annot in 1. Cor. 7. pag. 492.

Ib. pag. 493.

Er. pag. 505

Sect.22. That if we examine the opinions of the latter writers, vnto whom both Courts and Scholes doe attribute much, we shall finde that some there are among those also, who thought that marriage might be dissolued, or at least that it was a disputable argument. Concerning which matter, though he haue somewhat in Iohn of Andrew for espowsals or marriage that is not finished by carnal knowledge: yet, in that which is consummate he findeth so little, that he is faine to hold him contented with that same Iohn and two more, which are, Panormitanus, and Hostiensis: and hath no more in them neither, but onely that one of them leaueth it to the iudgemēt of others, hauing first brought arguments both against it, and with it; another but disputeth it only, and thinketh the contrary side to be the more probable: and the third doth but seeme to bee for it also, namely of that opinion, that the Church might doe it. That such things sometimes haue bin done, he bringeth in two miserable examples: the one, that Pope Zacharie, in a case of incest allowed the innocent wife of the incestuous husband to marry againe; the other, that that *Antonius narrat, sibi conspectum fuisse diploma, quo Ro: Pontifex dirimebat matrimonium ratum & consummatum*, that is, Anthony reporteth, that he had seene a Bul, wherin the B. of Rome did abolish or dissolue matrimonie that was fully established, and (by carnall knowledge) consummate. And one other of good reckoning among vs, hath (for the former) added thus much also, that the Pastors & Doctors of the reformed Churches haue *perceiued*, & *shewed*, that in such case a man may put away his wife, and marry another. And true it is that divers of them haue resolved on that opinion, and haue published the same accordingly: but whether they haue *perceiued* or found it to be so

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so indeed; and whether they haue *shewed*, or by any sufficient demonstration declared the same, let that (as yet) lie in question betwixt vs, till we be further aduised of it. Sect. 22.

Againe, that the Fathers do not so fully consent & agree together against it, as the aduersary that hee hath chosen doth beare men in hand that they did: but were many of them for it; especially, for the first foure hundred yeeres. Ibid. c. 3.

An argument, that the better it can be proued, the stronger it will be indeed; both against that aduersary of his, & against all others of that company: but simply to beat out the truth of the question, a reasonable good presumption indeed, but that is all. Of those that Erasmus alleageth as not against him, he is if we mark it little better furnished: and his choice is of those two whom before he alleaged: Iohn of Andrew, and Panormitan. And, seeing, the waight of that matter hangeth not on that pinne, I haue not thought good to goe any further, then to so much as himselfe hath gathered. And so as touching the former of thē, the help that he getteth of him is this, that *proposito casu, an Pōtifex possit indulgere, vt filius unicus Regis monasticus, ducat vxorem, eámq; habeat donec gignat prolē masculam: rationib⁹ in utrāq; partē adductis, pro neutra pronūciat, rē aliorū arbitrio relinquens.* that is, propoūding a case whether the Bishop of Rome, may dispense with a *Monke* the only son of a King to take a wife, and to haue her vntil he haue begottē issue male of her, bringing in reasōs on both sids, he determineth for neither, but leaveth it at large to the iudgement of others. Which (we see) is but one speciall case, and doth not concerne this of ours: and yet that in that case also, although hee doth not pronounce against him, yet in that hee maketh such dainty in so speciall a case as this, hee sheweth himselfe plaine enough how pag. 495.

Sect. 22. hard hee would bee in the whole generally. And that doth the other more plainely acknowledge, who reciting the same of his, addeth thereto thus much of his own. *Ego*

Ibid. *satis putarem, quod nullo casu Papa posset dissolvere matrimonium consummatum inter fideles, ita quod eligerē partem negativam*: that is, I should rather thinke, that in no case the Pope might dissolue matrimony consummate both the parties being faithful, so that I shoulde chuse the negatiue part. So that al the helpe which (he conceiveth) he hath in

Ibid. him, is no more but this. *Nec hic asseverat, sed argumentum ut disputabile proponit, cujus alteram partem ipse putat esse probabiliorem*: that is, Neither doth this man affirme it, but he propoūdeth the argumēt, as disputable, himselfe thinking the other part to be more probable. And so likewise by and by after commending one special reason, for that out of it an argument may be taken, *quod etiam Ecclesia nō posset illud dissolvere*: that is, that even the Church cannot dissolue it, he gathereth thereon, *Rursus hic non affirmat*

Ibid. *Ecclesiam non posse dirimere matrimonium consummatum, imò potius innuit posse: licet ex hoc capite dicat posse sumi argumentum pro diversa parte. Neq; statim expugnatum est, quod oppugnari potest argumento*: that is, Againe hee doth not here affirme, that the Church cannot breake asunder mariage consummate already, yea rather he implyeth that it may: although he say that out of this place an argument may be taken for the contrary side. Neither is it by and by won, that is at any time by reason attēpted. How poore helps these are, I think that every one will soone perceiue: I for my part wil so much spare them, that nothing at al I wil disturbe them. The argument that they take of the authoritie of those that are against them, is in effect no more but this, that whatsoever is brought by any against that

Then out of those that are against thē,

that cõceiued opinion of theirs, it is al but weake & may easily bee answered. And for this point I haue thought good to note, not only that iudgement before to haue beene in *Erasmus* abroad: but also, that yet it seemeth in part to remaine in that one of good account among vs at home (that before I spake of) vpon whom, diverse I heare doe rest not a little. That *Erasmus* was of that minde, his words are plaine: *Videbam ea quæ objiciuntur, facilè posse dilui, citra nostræ religionis injuriam. Videbã rationes quas adducunt hac in causa veteres & neoterici, non esse tam vrgẽtes, ut ad tantam adigant necessitatem hominum genus*: that is, I saw that those things that were obiected, might easily bee answered, without doing of any wrong to our Religion. I saw that the reasons which the Fathers of old, & the late writers do bring for this matter, are not so vrgent, as to driue mankinde to such extremity. Wherein whether he were deceived or not, or whether hee had but some overweening conceipt of that his motion, let it rest for me, vntil the cleerenes of the matter it selfe (being first beatẽ out) may teach vs both, whether it be so, or not. But true it is, that before hee had noted some things that might seeme to be no smal part of the foundation and ground of that his opinion: as namely, from what authors such perswasion came, and how wrong they were in some things else besides, even the best of them al. For the former of them, *Iam ut demus*, saith he, *conjugiũ legis esse divinæ, certe pleraq; quæ circa matrimoniorum causas tractantur ad jus positivum pertinẽt, veluti de gradibus, de impedimẽtis, de rescissionibus. Neq; hæc decreta à synodis celebribus profecta sunt ad nos, sed à privatis Pontificum responsis, &c: nonnunquam à seipsis dissentientibus*: that is, Now that we grant that wedlocke it selfe is of the law of God, yet many things that are hand-

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Sect. 22. led about the causes of matrimony, do appertaine to the positiue lawes, as of degrees, of impediments, of vndoing againe. Neither did these decrees come vnto vs from the more famous Councels, but of the private answers of Bishops, disagreeing sometimes even from themselues. For the latter also, *Nec mirum est, veteres illos tam iniquos fuisse divortio, quod & apud Ethnicos fuit odiosum, qui conjugium etiam ægre admiserint, ægrius digamiam*, that is, Neither is it marvel, that the ancient Fathers were so hard to allow of divorce (which was an odious thing evē among the Heathen also) who did but hardly allow of marriage it selfe, & much hardlier of second mariages. In both which he sheweth himselfe to be of opinion, that this restraint of such divorce as he would plead for, is only of men (one fowle gawle in the argument:) & then, that it proceedeth from such mē also, as whose credit (one way or other) is, in such cases, but very smal; for which I meane not here to cōtēd, but wil rather adiourne it vnto such accoūt in the end, as the issue of the cause shal then afford it. And yet so far as I am able to see into it, he needeth not so much to trouble himselfe in spying holes in that iudgement of the Fathers of old, as, in this, to defende his owne. In which respect I marvel the more, that he findeth so many faults with that kinde of divorce which only in this case standeth by law among vs, 1. *Primum*, saith he, *ita licebit divertere, ut postea*

Pag. 498. *vivat castratus & orbus. 2. Deinde si post suspicionem adulterij rem habuerit cum uxore, excidit à jure repudiandi. 3. Adhæc si ipse quoq; fuerit adulter, cogetur cū adultera cohærere. 4. Postremò, particulam exceptionis huc detorquemvs, nō ut jus faciat maritorepudiandi, sed ut si repudiet, non facturus sit adulteram, quandoquidem jam adulteram abÿcit. Nam id Augustini commentum est*: that is, First we haue divorce but so far allow-

allowed vnto vs, as that whosoever will vse it, he must afterward liue as a gelded man, and without (possibilitie of) children. Then if after suspition of adultery, hee nevertheless haue to do with his wife againe, then is he falne from the right he had to sue the divorce. Besides, if himself haue committed adulterie too, then must he stil cleaue vnto his adulterous wife. Last of al, that particle of the Exception we wrest vnto this, that it shal not giue any right to the husband to put away his wife (for adultery) but, if he do it, then he doth not make her an adultéresse, because he doth not put away but such an one as is an adultéresse alreadie. For that is, saith he, *Augustines* conceipt thereof. Wherein though he did seeme to himselfe, then to haue found many faults in that their iudgements; and, in the last, with S. Augustine himselfe: yet I doubt not, but that in the end it wil appeare, that therein he troubled himselfe more thē he needed; and in the meane season, that every one may perceiue that he counteth those such faults, but onely in respect of that presupposall, that such divorce as he requireth, doth vndoubtedly stād on the authority of the word of God, which if it doe not, will soone make those great faults of his to be none at all. As touching that other that is of the same iudgement likewise, he also accounteth that to be weake which is brought against it; and accordingly dealeth therein: and especially against one, whome hee hath made his choice aduersary in it, for whom also, I for my part (but so far as he hath the truth) will craue no sparing. More specially whereas S. Augustine is accounted to be the strongest of all against the liberty of divorce for adultery and marrying againe, he noteth more weakenesse in that iudgement of his, then others doe that yet I haue seene: both in his owne confession after; & in mistaking a

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part:

Sect. 23. part of the Text. But how far that weakneth the force of his iudgement is not ſo needfull for vs to diſcuſſe: as not ſo materiall but onely to ſuch as reſt ſome parte of their iudgement on him, which in this I meane not to doe.

What inconvenient ſpeeches they haue beſides, Eraſmus eſpecially.

23 What inconvenient ſpeeches they haue beſides, if now we examine, the truth is, that all of them (lightly that I haue ſeene) haue ſome: but yet that Eraſmus, the leader of them, hath therein ſo far gon beyound them all, that none of them (ſo far as yet I haue foũd) haue attained vnto him. And becauſe inconvenient ſpeeches, though they be no certaine argumẽts that the cauſe is not good that is handled by ſuch; yet are they faire warnings for any in ſuch caſe to take heed, becauſe they proceed from a troubled mind, and moſt commonly argue a want of the truth, and even by that only oftimes are occaſioned: therfore it ſhall not be amiſſe that we ſomewhat conſider of them, but firſt of thoſe that we finde in Eraſmus; then, of ſuch as we finde in others. Of thoſe that we finde in Eraſmus, there are two ſorts: ſome of his owne, & for which himſelfe is to anſwere; others, that are none of his, but belonging to ſuch authors as himſelfe bringeth in to help to beare out his owne perſuaſion therein. Thoſe that are his owne, are of two ſorts alſo: ſome concerning his own iudgement in this matter; others, concerning the Scripture it ſelfe. Concerning his owne iudgement in this matter, he hath in ſuch ſort ordered his ſpeech therein, that although he hath not plainely ſet it downe, yet hee ſeemeth to incline vnto it, both that certaine diſorders in making of mariages ſhould be good cauſe to diſſolue them again: and that even the wickedneſſe of a woman, want of children alſo (belike he meaneth of ſuch as are legitimate; & that he may not ſo account of thoſe that either he had or

Such as are his own,

Cõcerning his iudgement herein.

here-

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hereafter might haue by his adulterous wife) yea & burning luſt alſo, ſhould be good cauſes likewiſe to marry againe. For the former he ſaith. *Apud ethnicos nõ erat ratum matrimonium, niſi parentum aut tutorũ authoritate comprobatum, ne apud Iudæos quidem, & tamen apud utroſque aliquo modo dirimi poterat matrimonium. Apud Chriſtianos facilime coit conjugium, & ſemel initum nullo modo poteſt divelli. Furtim inter pueros & puellas per lenones & lenas, inter ſtultos ac temulentos copulatur matrimonium, & tam turpiter initum indiſſolubile eſt, & quod magis eſt notum, ſic initum ſit ſacramentum.* that is, Among the Heathen there is no mariage accounted of force, but that which was approued by the authority of parents or tutors; neither yet among the Iewes: and yet with both thoſe might matrimonie, ſome way or other, bee diſſolued againe. Among Chriſtians marriages are moſt eaſily made, and yet being made, may by no meanes be broken off. By ſtealth betwixt boies and wenches, by bawds and harlots, betweene fooles & drunken perſons haue mariages beene made: and yet, a marriage being ſo ilfavourdly made, may not in any wiſe be diſſolued; and, which is the ſtraunger of the two, is become a Sacrament alſo. To which ende ſoone after hee doth likewiſe inſinuate, that if the Magiſtrate or competent Iudge ſhould diſſolue ſuch, then were they rightly diſſolved by the *Miniſters of God*, which before were naughtily made by the *Deacons of the diuel.* For the latter, hee ſaith likewiſe, *At interim ſepoſita paulliſper authoritate ſcriptoris rem ipſam mecum expendat lector, num hæ ſatis graves ſint cauſæ cur innoxius maritus debeat alligari ſceleratæ mulieri, orbitatis moleſtiam, & libidinis incendium ferre per omnem vitam: ne vel parum prudens habeatur à quibuſdam, quod rem quæ non ſucceſſerit, denuo ſit aggreſſus (quaſi turpe ſit, qui*

Anot. m. 2. Cor. 7. pag. 499.

Ibid. pag. 500.

Sect. 23. *semel tempestatem expertus sit, iterare navigationem; aut qui in deligendo amico erraverit, quenquam alium in amicitiam admittere) vel intemperans, aut avarus, qui formam aut dotem mutare voluerit, non vxorem.* that is, But setting aside for a while the authority of the writer (meaning S. Ierom) let the reader cõsider with me the thing it selfe, whether these be causes of sufficient importance (that then men would easily take occasion diuers waies, to breake of and to marry againe) that the husband should be tied to a wicked woman, or that he should suffer either the griefe of the want of Children or the heate of lust all his life long, least he should be accoũted of divers either vnwise, that hauing taken in hand such a course before as did not fall out well with him, he nevertheless doth take it in hãd againe (as though it were a shame, that hee which once had beene in a tempest, should goe to the seas againe, or he that had beene before deceiued in choice of his friend, should never admit any other into his friendship againe) or intemperate, or covetous, as though he rather desired to make his exchange of (more) beauty or (better) dowry thẽ of his (so bad a) wife. Which course of his if any people should establish by law among them, it were hard to finde how it might bee avoided, but that for matters of marriage, & all others thereto appertaining, some would all be cleane out of order. For first as touching so large a liberty of divorcing their wiues away from them, vpon any of those so many braunches of disorderly marriage, we may plainely see, that it would lay open a ready way to many divorces: for because those disorders are such, as that wee may conceiue no hope, that either they will or may be amended. So likewise for marrying againe thereupon, if but the two first causes onely might bee allowed

soone'

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ſoone ſhould we ſee, that ſuch a liberty, ſo freely graunted, would be (by many) as freely vſed: but then, if the third ſhould be added withall, that ſo oft as it would require, it ſhould ſtill be allowed a new and freſh marriage, and not beaten back to the former againe, then as we haue a proverbe in another matter, ſo ſhould wee quickly finde it in this (to the ſhame of our faces that had ſo taught them) that but ſet a begger on horſback, & we may be ſure, that he will ride. Concerning both which, although it may be that if Eraſmus had beene, derectly demaunded, whether he would haue allowed ſuch liberty or not, he would haue bethought himſelfe better, & in the ende would haue denied: yet ſeeing he hath fenſed his ſpeeches no better, but that in the heate of his reaſoning for the other, hee hath ſo farre overſlipped himſelfe in theſe, that the reader may probably gather, that he was of that iudgement indeed, therefore muſt he now be content, that theſe alſo bee taken for part of his inconvenient ſpeeches. Concerning the Scripture it ſelfe, he hath ſo many hard ſpeeches of the ſame (ſuch I meane as may be taken ill, and in appearance doe moſt incline therevnto) that it may ſeeme, that both he found that new motion of his to bee very much croſſed thereby, and that hee could not quietly beare it, that ſo it ſhould, and therevpon vttered thoſe ſpeeches of it: ſomewhat of the whole generally; but much more, of Saint Paule more eſpecially. Of that which hee vttered of the whole generally, I haue noted no more but this, and that but only towardes the ende of his Treatice. *Videbam Scripturam*, ſaith hee, *hac in parte, ut pleriſque, eſſe perplexam & ancipitẽ.* That is, I ſaw that the Scripture was in this point, as in many others, intricate and doubtful. Of which, for this point, albeit he had ſome probabi-

Cõcerning the Scripture it ſelfe.

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Sect. 23. lity so to say, so long as those places aforesaide were so much mistaken, & by so many, as they were: yet those places being duly considered, we may now plainly perceiue, that the Scripture is plaine inough for the negatiue of that Motion of his; and that al the hardnes and doubtfulnesse of it, is for his Affirmatiue only. Which might and should (I thinke) haue taught him, rather to haue suppressed that his doubtful motiō, than for it so hardly to speake of the Scripture it selfe. That which he vttered of S. *Paul* more specially is dispersed almost throughout this whole Treatice, especially while he answereth the places (after this manner) that are brought against that opinion of his.

Pag. 499. For in answering the fifth of *Matthew*, *Non probat Paulus*, saith he, *digamiam: & tamen, ob incontinentiam permittit, quod non audet exigere: satius esse judicans, nubere quàm uri. Et nos de rigore divortij, nihil omninò relaxamus?* that is, *Paul* doth not allow the second mariage, or a widdow to marrie againe: and yet for incontinencie he suffereth (as I take it) the second marriage, which he dareth not require (or as I take it, as more agreable vnto his meaning, howsoeuer the words do somwhat vary, that he alloweth to marry againe; becauſe he dare not so strictly require that they containe) thinking it better to marry, than to burne. And do we release nothing at al, of the hardnes or rigor of divorce? In which speach of his the inconveniencie that I speake of, resteth especially in these two points: that Saint *Paul* allowed not of widdowes marriage; &, that himselfe accoūted, that to allow of divorce no farther than it was then (which notwithstanding was as much, as any of vs may lawfully challendge) was too hard and rigorous dealing. The text is the 19. of *Matthew*, wherein while he dealeth, there he saith againe,

Pag. 499. *Paulus indulget humanæ fragilitati*

tati, relaxans ſæpenumero Domini præceptum. Cur nõ idem facere poſsit Romanus Pontifex? That is, *Paul* beareth with the weaknes of man, releaſing oftimes the Lords commaundement (what? often: where once?) Why may not the Biſhop of Rome do ſo likewiſe? what elſe? Cõming to thoſe places that the Apoſtle hath, and beginning with that which he hath in the ſeaventh to the *Romans*, there he findeth his motion ſo probably at leaſt, but I would rather ſay ſo ſtrongly croſſed, that it muſt be, *Paulo peculiare, nihil non torquere ad Evãgely negotium, pia, Chriſtianáq; vafricie, &c:* that is, *Pauls* faſhion, to wreſt any thing for the Goſpels ſake, with a godly and Chriſtian ſubteltie. And anon after, on that other place in the ſeaventh of the firſt to the *Corinthians*, in effect al one with that to the *Romans*, he alſo is the ſame that he was before. For there the Apoſtle (with him) muſt be *lubricus in diſputando, nunc huc ſe proripiens nunc illuc:* that is, ſlipperie in diſputing, ſhifting himſelfe, now hither now thither: therein alleadging *Origen* beſides, ſomething to accord to his iudgmẽt therein. And on the latter of thoſe two places in that epiſtle to the *Corinthians* (which though it be in the Text before, yet is it cõmonly taken after as a ſeveral place by it ſelfe) there alſo both he calleth the law of God, the Apoſtles law, & by & by after, he doth charge him with rigor alſo. For as touching the former he ſaith, *verùm haud ſcio, an Paulus tribuerit hac in parte nonnihil ſuæ legi, &c:* that is, But I know not, whether *Paul* in this point did attribute much to his owne Law: and for the other, *Quod ſi Paulus tribuerit hac in parte nonnihil ſuæ legi, &c:* that is, But I know not, whether *Paul* in this point did attribute much to his own law: and for the other, *Quod ſi Paulo propoſita fuiſſet hujuſmodi cauſa, ſtultus cum ſtulta puer cam puella cõtraxit, &c: fortaſſe*

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Sect.23. *pro causæ circumstantijs aliud responderet Apostolus,& nonnihil relaxaret de rigore consilij superioris, sua scripta ciuiliùs nobis interpretaretur,quàm nos interpretamur*:that is,But if such a case had beene to *Paul* propoũded, one foole with another,a boy and a wench haue married togither,&c: it may be that the Apostle, according to the circumstances of such a case,would giue vs some other answer,& would remit vnto vs no smal part of the rigour of that his advise, and would interpret his writings more civilly vnto vs,thã we our selues are wont to take them.Where also we may farther note,that he tearmeth it (if hee keepe to his place) but the Apostles advise *or coũcell*, which the Apostle himselfe calleth the *Lords commandement* : and that hee doth something insinuate farther, both that the Apostles rule was not absolute(for that,in the case that he did put, hee thinketh that he might haue given it another answere) & that the Apostle himselfe were so flexible,that in curtesie he would haue yeelded something vnto them in that matter.And last of al,towards the end of that Annotation or Treatice of his(that yet he may part with him in friendlie manner)he giveth this speciall commendation vnto him, that he is so careful of the salvation of others,that to that

pag.506. end,*nonnunquam etiam detorquet sacras literas*, that is,hee often even wresteth the holy Scriptures. But the Scriptures, it is wel enough knowne,do so directly tend to the *salvation of vs* and therefore need so little to be wrested to that end, that we haue heere mo wonders thã one : first, that Erasmus could ever so write of the Apostle, and did not rather suspect his own motion, when he saw whether it brought him; then also,that others, so many, and of so speciall reckoning,did not take that as a warning to them to haue seene somewhat better vnto it,that therein they

they had not followed him so much as they did. As for thoſe others, that are none of his own, but found in thoſe Authors that himſelfe bringeth in to helpe to beare out his owne perſuaſion, I note no more but this, that whereas there he alleageth but only three of the ancient Fathers (Origen, Tertullian, & Ambroſe) yet even in thoſe, & in every of them, himſelfe hath noted ſomewhat withall, that may crack their credit for this matter: a craſie point of doctrine belike to bee tried by the Fathers, if it had no better help then he then knewe of. And though he might haue made better choice then ſo, yet that alſo, in this caſe had little holpen, becauſe it is not by them, that the eſtate of the queſtion ſtandeth, as now wee ſet it. So, for theſe we ſhall not need ſo much as to recite them, but may better referre thoſe that would ſee them to the place it ſelfe; yet this notwithſtāding is worthy the marking, that moſt of the learned (that yet I haue ſeene) that ſince haue followed that courſe, do in like ſort reſt on thoſe Fathers alſo and lightly goe no further neither: whereas we haue one of our owne, that hath ſo far inriched that point beyond them all, that although it be not ſuch as is thought meete to be publiſhed, and was written but on ſpeciall occaſion; yet therein we may ſee more learning vttered for that matter, then in any of thoſe that in other countries haue written thereon, though we (in our wonted humor) haue them in better account.

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Such as are in the Authors whome hee alleageth. Pag. 492, 493.

D R. in all his third Chapter.

24 Of thoſe that wee finde in others, there bee two ſorts: one, that is common generally vnto all; and others that are proper only to certaine of them. That one that is common generally vnto them all, is, that they doe ſo reſolutely make it to bee the duty of the Magiſtrate to puniſh adultery by death, & account it his negligence if

Inconvenient ſpeeches in others.

General to all.

Sect. 24. if he do it not. All which kinde of ſpeeches I account inconvenient in two reſpects: firſt, becauſe ſo they doe imply (withall) a point of doctrine, more then they ought; then alſo, for that moſt of the Magiſtrats of all Chriſtendome are ſuch, as, if it were wrong, yet could they not help it would they never ſo faine. That point of doctrine which thoſe ſpeeches do implie (withall) more then they ought, is, that the Judicialls of Moſes ſhould of neceſſity be obſerued in our government alſo; or, that Chriſtian Princes are bound to obſerue the ſame: a point of doctrine that divers are oftimes leaning vnto, but ſuch as may not be vniuerſally held (I meane, for all thoſe Judicials) neither is it further vrged by the better ſort but according to the equity of them, & the negatiue plainely held

Art. 7. by this Church of ours. That moſt of the Magiſtrates of all Chriſtendome are ſuch, as that, if it were wrong, yet could they not help would they never ſo faine, it is plaine enough in it ſelfe, for that they deale with no power over thoſe that are vnder them, for lands nor goods, life nor lim, but ſo far as thoſe lands by which they govern allow vnto them: & that no lawes are allow'd to ſtand in force among vs, but only ſuch, as wherevnto all the eſtates doe firſt condeſcend. And then, if the Magiſtrate (although it were a thing to be wiſhed, and himſelfe were, for his part ſo inclined alſo) be ſo little able to doe it, they do by ſuch ſpeeches, not onely farther charge him then there is on his part any cauſe, but alſo let downe no ſmall part of his credit or honour among the people, which they ſhould rather ſeeke to maintaine, knowing that the people are ready enough (of themſelues) to thinke ſo meanely of their Superiors, that they need no ſuch provocation vn-

More ſpeciall to certain of thē, to it. Thoſe that are more proper to certaine of them, are

two:

two: one, that they bring in so many things else, to dissolue the band of marriage; the other, that some of them accoũt it so much against duty, to forgiue their offending wife. If many waies else marriage may be dissolued in the iudgement of divers of them, then (in their iudgement) were it but a loose and a slender band: which notwithstanding the word it selfe maketh to be the strongest and fastest of all others, aboue that which is betwixt neighbours and friends, yea and betwixt Parents and their children, either by the duty of the one, or by the naturall loue of the other. That divers of thẽ account that many waies the bond of wedlock may be dissolued, *Peter Martyr* is of that credit among vs, that his only voice may stand for many, and teach vs also to conclude, that if he be a Patron of that opinion, then is hee not likely to want other followers besides. He therefore, when he is handling of that point, that man & wife must keep together, addeth thereunto, that he doth not so say, *quasi nunquam liceat conjugibus quandoq; à se invicem dividi, vel per morbum, vel per aliquas graves incidentes necessitates: sed ut cõjuges intelligant, nihil per suam voluntatẽ debere obstare, quin simul habitent, neq; refugere debent, ut unà vivant.* that is, As though it were n ever lawfull for married folk to be sundred againe the one from the other; either by disease, or by some other speciall necessities that may befall them: but that maried folke vnderstand, that, by their owne good will nothing should let, but that still they cohabit, and that never they ought to shrinke from living together. And by and by after, putting the case of an Atheist, though a while he make some question thereof, *quia non licet de quopiam, dũ vivit animum desponere, &c.* that is, because we may not dispaire of any man while he liueth, *nisi manifesta & præ-*

Sect. 24.

More causes of diuorce.

P. Martyr.

In 1. Cor. 7. & in loc. com. clas. 2. c. 10. fol. 369. p. 306

Sect. 24. *cipua revelatio de damnatione illius intercesserit.* that is, Vnlesse so ne manifest and principall revelation shall bee given of his condemnation (an hard case to bee found:) yet afterward he plainely concludeth, that a faithfull woman may depart from such an atheist husband, if in the meane season he blaspheme and curse Christ, and will not suffer, either that himselfe bee therein reproued, or the truth of Christ be by her acknowledged. But in the next two Sections following both he setteth downe the same liberty for the one that is weake, and by the other partie drawne from that faith by little and little: and and answereth besides divers obiections that he taketh to be strong against it. *Item si contingat*, saith he, *ut conjux fidelis debilis sit, & sentiat ex eo matrimonio se de religione Christiana paulatim deijci ita ut abducatur quodammodo à fide, ac in idololatriam ex idololatrarum conuictu in procliui sit ut ruat.* that is, Also, if it fall out that the party faithfull be weake, & findeth it selfe, by the reason of that matrimonie, by little & little to be carried away from Christian religion, so that he bee after a sort led away from the faith, and be in some special danger to fall vnto adulterie, by the reason of his conversing with idolaters: in this case his resolution is, *Non oportet ut maneat*, that is, he is not bound in such case to tarry: and his reason is, for that we may not doe evill that good may follow. To which ende also, vpon that place of the Apostle he added further, that it is apparant, *sententiam Christi, quæ tantum excipit scortationem, non esse completam, cum hic Apostolus alteram adjecerit*: that is, that the sentence of Christ, whereby hee excepteth no more but fornication only, is not complete or full, whēas the Apostle doth here adde another cause besides; hee meaneth, when the infidel departeth from the faithfull, in cause of

Ibid. Sect. 70, 71,

religion

religiõ. *Zegedinus* followeth the selfe same course to speak of, first in that same sentence of Christ: then in that presupposed libertie of divorce. On that sentence of Christ, *Quidam*, saith hee, *literæ, seu dicto Christi mordicus inhærentes, clamant propter solam fornicationem matrimonia dirimi posse. Verum, cum Paulus permittat repudium palam mulieri fideli, si propter religionem negligatur, & abjiciatur à viro infideli, ac significet, nõ in fornicationis tantum & infidelitatis casibus, fratrem aut sororem ab altero separari posse sed & in similibus (ait enim, non est servituti subjectus frater aut soror in hujusmodi, ubi paria peccata intelligit) liquidè ex his constat, Christum fornicationis nomen in genere accepisse per metonymiam, ac nomine fornicationis seu stupri includere ea scelera quæ fornicationi paria, aut certè majora sunt, excludere autem minora:* that is, divers cleaving vnto the letter or speech of Christ over-precisely will needs haue it, that marriage may be dissolved, for no cause else, but only for adultery. But seeing *Paul* doth plainly allow of divorce vnto a faithful woman, if for religion she be despised, and cast out by her vnbeleeving husband; and signifieth withal, that a brother or a sister may bee separated againe, not only in case of fornication and infidelitie, but also in others such like besides (for he saith, that a brother or a sister is not brought into bondage in such things as these, where he vnderstandeth such like sinnes:) it doth plainly appeare by these, that Christ by the figure of Metonymia did largely take the name of fornication, & that vnder the name of whoredome hee did include all such crimes, as were as great, or greater than it, and that he did exclude or shut out of the same but only the lesse, and his reason is, *Qui enim posset Apostolus contra præceptorem suum docere?* that is, For how can the Apostle teach that, which

Sect. 24. Zegedinus. In loc. com. pro leg. in tab. de divortio.

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In append. ad tab 1. de divortio p. 348.

Not to receiue againe the wife offending. Beza.

De Repud. & divort. p. 113. 114.

would be contrary to his Masters doctrine? In that presupposed liberty of divorce hee saith likewise, *Fieri non potest, ut rei fæde nomine intelligantur leves causæ, ut vel morũ culpa, vel corporis vitium quo maritus offendatur : excludantur verò majores causæ, quibus matrimonia magis dirimi possunt*: that is, It cannot be that vnder the name of *some vncleane thing* (spoken of, *Deut. 24. 1.*) small matters should be ment, as some fault in behavior or manners, or some deformitie in the body, wherewith the husband may be offended: and that greater matters should be excluded, for which marriages might be much rather dissolved. That it should be so much against duty, to forgiue the wife that so hath offended; Mr *Beza* is both very plaine and copious therein, as having of purpose handled the same: and yet more moderate therein than some other are, and therefore I rest only on him for this matter. And of this matter he setteth two principal questions: the one, of detecting such a wife to the Magistrate; the other, of receiving her againe to favor. Concerning the former, first he setteth the question, *An teneatur innocens persona nocẽtem deferre*, that is, Whether it be the duty of the innocent party, to accuse the other that hath offended vnto the Magistrate. And his answere (in effect) is, *Magistratui inprimis indicare maritum vel uxorem præcipue decet, ne dum præposterа charitate alienum peccatum fovent, justam lenocinij suspitionem incurrant*: that is, that right wel or chiefly it becommeth either the husbãd or the wife to complaine thereof to the Magistrate, least while they with a preposterous loue do cherish the fault of the other, they incurre a just suspition, that they are no better than bawds themselues. And being then farther demanded, whether we may not *privatam injuriam condonare*, that is, forgiue our owne private iniurie, hee so far intitleth

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tleth the Common-wealth vnto it, & maketh it to come so neere vnto Anabaptistrie, that he cannot allowe it: and he addeth in the end, *Nã certè Christiana charitas malis non favet*, that is, For certainely Christian charitie favoureth not (either evil things, or as I should rather take it) those that are evil. So likewise, being further vrged with the example of *Ioseph*, that did not deale so hardly with *Marie* his espowsed wife, and that he was commended for that his moderate dealing, he answereth that it was but doubtful in him, and that hee had no certainty of it, and therefore, that in that respect, he did the best, as his case was. But what letteth, but that a man might rather thinke, that *Ioseph* made no doubt of the matter (as then also himselfe had gon too far) but thought himselfe very certaine of it? then is this obiectiõ vnanswered as yet. And Mr *Beza* himselfe alloweth *Ioseph* thus much to put him out of doubte of the matter (if that may serue) that *uterus eminens prægnantem esse demonstrat*, that is, that her belly being growne so great as it was, did plainely shew her to be with child: & so, that he, *ejus videlicet rei quæ extra ordinem contigerat ignarus*, that is, ignorant of that matter which had befalne her extraordinarily, might wel haue thought (& without any doubting, with himselfe) *omnino ab aliquo gravidatam esse*, that is, that certainely (*omnino*) shee had by some body beene gottẽ with child. So it seemeth (even by that which M *Beza* doth allow him) that he was nothing doubtful of it: but only that he was therin deceived. Again, being further pressed, that in this case also privat admonitiõ should go before, at least amõg friends, & that rather the Church than the Magistrate (as themselues are wont to speak) or some certaine persons should bee first sought vnto, hee both liketh not of that neither, and bringeth in certaine

Sect. 24. reasons to be assistant vnto him therein: but yet in the end addeth thus much withal, *Dixi quid hîc mihi videatur. Suũ cuiq; judicium estо, modo ex verbo Dei unusquisq; sapiat.* that is, I haue said what I mee selfe doe thinke of this matter. Let every one iudge as himselfe thinketh good, so that no man goe any further then hee hath the word of God

Ibid. to leade him. Concerning the latter, he first likewise propoũdeth the question: and then setteth downe his judgement on it. The question is, *An, in foro conscientiæ, nocentem personam convictam teneatur innocens ablegare; an verò pœnitentem rursus recipere.* that is, Whether in conscience (before God) the innocent party be bound, quite to put away the offender being once convicted of it; or vpon repentance to receiue him againe. In which point, when first hee hath graunted that many of our great Diuines, both old and new, do little agree among thẽselues, and, in his iudgement, *illos quidem nimium adversus nocentem rigidos, istos verò nimium faciles videri*, that is, That one sort of them seemed to him to bee too rigorous to the partie offending, & others to be over easie: yet thẽ he so taketh against those that hee accounteth too easy, that little or nothing he differeth from those that he thought before too rigorous; rather shewing (and that rightly in deed) that the reasons whereon they grounded that austerity of theirs were to weake to beare it, or, that, those reasons did not so conclude; then that hee doth so much dissent from their iudgemẽt therein. For he findeth no more in them (in neither of those whome there he nameth, Ierom, and Bucer) but only the negatiue, that the offendor may be retained (which he accounteth so great austerity) and yet himselfe, though in some case he doth qualifie the same, yet in some other hee draweth very neere vnto thẽ.

His

Sect. 24.
Ibid. p. 115.

His qualificatiõ is, that, he doth not condemn him, *qui uxorem resipiscentem recipiat*, that is, who receiueth his wife vpon her repentance. and againe, *Deinde, vt modo dixi, non nego posse iterum admitti adulteram resipiscentem*, that is, Moreouer, as before I said, I doe not deny, but that an adultereſſe, if ſhee repent, may bee admitted againe. And elſwhere he yeeldeth ſomewhat further alſo, as on other occaſion before I noted. But as in this place hee yeeldeth thus much, ſo are we to note that he addeth withall that which doth (if it be marked) not a litle impeach that which is granted: and firſt, though there be repẽtance afterward found, in her that had committed adultery before; but thẽ eſpecially, if the party offending as yet repent not. For though the adultereſſe doe repent, yet firſt hee ſaith, that *multæ aliæ juſtæ cauſæ eſſe poſſint, cur adulteram quantumvis reſipiſcentem, in thorum rurſus non admittat, qui tamen alioqui illatam ſibi injuriam ex animo condonavit*: that is, that there may be many iuſt cauſes, why a man doth not admit his adulterous wife to his bed againe, though ſhee repent never ſo much, who yet notwithſtanding from his heart forgiveth the iniurie that is done vnto him. Wherein ſeeing he ſetteth downe, that there be many *iuſt cauſes*, and that a forgiuenes from the heart may be (betwixt man & wife) without bedding togither againe; though neither he name any of thoſe many cauſes, nor ſheweth how ſuch forgiuenes may ſtand with ſuch ſtrangnes too: yet ſuch as are corruptly inclined in thoſe matters, may eaſily finde matter enough to their contentment, wherewith to feed that humor of theirs, both in the one, and in the other, ſo rawly left as there they are. Then alſo hee addeth further, that he is not of minde, that a man is bound in conſcience to receiue the adultereſſe againe, though ſhee repent; *ſed*,

poſt

Sect. 25. *post modestam Ecclesiæ adhortationem adhibitam, unumquẽq; suæ conscientiæ relinquendum*, that is, but after some sober exhortation given by the Church, that everie one is to be left to his owne conscience, and that they vsed the selfe-same order in the Church of Geneva: (such as most of thẽ are, that stickle so hard for the liberty that now we speake of) would in such case lightly desire, both in respect of the weaknes of those (to restraine any disorder of theirs) that M. Beza here meaneth by the Church; and especially in respect of that liberty, that when the Church hath said what it will, then may these notwithstanding freely do as themselues thinke good. But before the adultere sse repent, his iudgement is plaine, that the husband in no wise may receiue her againe: little differing from that *rigour* of those others before. For by another occasion speaking of receiuing the offender againe, *ante resipiscentiæ testimonium*. that is, before some proofe of repentance be giuen, he plainely saith that *fieri non potest, quin sceleri faveatur*, that is, that it cannot be done, but that wickednesse must needes be favoured. A sufficient token, that so to receiue an offender againe, hath at all no favour with him: and thereby also a sword giuen into the handes of those that are of that humor, to be long enough avenged on the offender, til they may finde tokens (to their contentment) of true repentance. So haue wee hitherto partly seene, both how weake reasons they haue, and what inconvenient speeches (besides) they haue now and then interlaced among them.

The meaning of the places themselues: & first that such is not the meaning of them as they would haue it,

25 Now to examine the places themselues (for the true sense and meaning of them) for the better vnderstanding of the order ensuing, wee are first to acknowledge, that when we haue gathered the meaning of them, and with-

withall haue made it reaſonable plaine, even out of the consideration of the places themſelues, yet is it not vnlikely, but that it will hardly ſinke in the mindes of others, vnleſſe ſome doubts be anſwered withall, which otherwiſe will much prevaile with many: and therefore are we firſt to ſet downe the meaning of them; then, to conſider of thoſe doubts that ſeeme to be ſo ſtrong againſt it. And to finde out the meaning of them, wee are firſt to ſet by that which is not: then, afterward to declare that which is. That which is not, being firſt ſet by, both the moſt of the buſines will bee diſpatched, and the other wil then more plainely appeare: but herein alſo wee are not barely to ſet downe the negatiue, that I meane vnto it; but alſo to adde ſome ſuch proofe therevnto as may not well bee wanting from it. The negatiue that I meane vnto it is this, that whatſoever Chriſt by thoſe wordes meant; yet this, in no wiſe, ſeemeth to bee his meaning therein, that thereby hee would giue them liberty, ſo to divorce themſelues the one from the other. That which I thought needfull to ad therevnto, & is not meete to be wanting from it, leaſt ſo it ſhould ſtand as a bare negation, reſteth on two principall grounds: one, that Chriſt himſelfe ſhould not ſeeme to bee ſo favourable vnto it; the other, that the nature of wedlocke doth not well beare it. That Chriſt himſelfe ſhould not ſeeme to be ſo favorable vnto it, ſeemeth to be a cleere caſe, being well conſidered, for that we ſhall finde, that there was never any ſuch allowed before, nor after neither: namely that for adultery men might ſo part with their wiues, as that therby they were at liberty to mary others. In the new Teſtamẽt we never thought that we had any ſuch liberty but only ſo far as theſe words of his would help vs. But

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For that Chriſt himſelfe is not like to bee ſo favourable vnto it.

Sect. 25. in the old Testament we thought wee had many; at least those two: the one in Deuteronomie; the other, in Malachie. And therefore so long as those stood in that credit with vs, wee thought the sense of this Exception of Christ might well be, that hee allowed that liberty for adultery to all, that was allowed by Moses and Malachie, for lesser matters, to the Iewes before. And indeed that collection had beene very good, for that both Moses and Malachie also wrote those things not of their owne private motion, but as they were therein directed by Gods holy Spirit, which spake by the Prophets. But now if we finde, that these also doe faile vs, then must wee graunt, that now wee haue none: and so consequently, that, if Christ in this exceptiõ hath allowed that liberty vnto vs, it is such a thing as himselfe hath only done, and not one of his Prophets before, nor Apostles since. Which thing (for my part) I thinke would proue a strange assertiõ, that Christ in his holynesse should giue further liberty to that natural inclination of ours, then ever any other of his seruants had done, before, or after. And for that matter wee neede go no further, then to themselues, that are for such divorce and marrying againe: and not vnto all them neither, for that fewer wil serue our turne. M^r *Calvine* therefore insteed of the rest (and one that in weight may well stãd, in matters of iudgmẽt, in most of his writings, for many of them) even in his Harmonie on the Gospels (which was, as I noted already, some few yeares before that wee find that he had noted how that place of Deuteronomie was mistakẽ) saith reasonably wel for that matter. *Duobus capitibus* (saith he) *rem totam concludit: ordinem creationis debere esse instar Legis, ut vir conjugalem fidem tota vita colat. Divortia autem esse permissa, non quod licita sint, sed quia*

In Mat. 19. 3.

cum

Sect. 25.

cum præfracto & indocili populo negotium erat. that is, Hee ſhutteth vp (meaning of Chriſt) the whole matter in two principall points: (one) that the order of creation ſhould be inſteed of a law, that the huſband al his life long ſhould keepe his promiſe made in marriage; (the other) that divorces are ſuffered, not as though they were lawfull, but becauſe they had to doe with a ſtubborne and vntoward people. But yet more fully, on that place it ſelfe in Deuteronomie. In the beginning of that his Treatice, *Quod ad divortia ſpectat*, ſaith he, *quamvis per indulgentiam conceſſum fuerit Iudæis, pronunciat tamen Chriſtus nunquam fuiſſe legitimum, quia primæ dei inſtitutioni, ex qua perpetua & inviolabilis petenda eſt regula, palàm repugnat.* that is, Concerning divorce, although by ſufferance it were graunted vnto the Iewes, yet Chriſt pronounceth, that it was never allowed vnto them as lawfull, becauſe it doth plainely croſſe the firſt ordinance of God, out of which the rule of our life is to bee taken, and ever inviolably to bee kept. Againe, *Et certè ſcheda vel libellus divortij marito nonnihil aſpergebat dedecoris*, that is, And truely that inſtrument or bill of divorce did not a little diſcredit the huſband. Laſtly, even in the end, *Ita admoniti fuerunt Iſraëlitæ, quamvis impunè vxores reijcerent, licentiam tamen hanc minimè coràm Deo excuſari.* that is, So were the Iſraelites admoniſhed that although they put away their wiues without any danger of puniſhment for it, to bee inflicted on them by law, yet that ſo to haue vſed their libertie, they could in no wiſe excuſe vnto God. *Quibus adijci poteſt*, ſaith Gualter, *viros ſaltem in ſpeciem bonos & honeſtos, libellos repudij non facilè dediſſe.* that is, Wherevnto may bee added, that ſuch men as but in ſhew (or as they would themſelues bee accounted) were good and honeſt did not eaſily

In Harm. in lib. Moſis, in Præceptum.

In Marc. 10.

Sect. 25. giue those bills of divorcement. By which speeches, and their hard (but iust) censure of divorce, it appeareth, not onely that no man of reasonable honestie did lightly vse the benefit of it: but also that it was not thought a thing lawful neither before God. And may we then thinke, that Christ would grant any such? For if they reply that that divorce that they vsed was oftimes for smal matters, & so not this that now is spoken of which is for adultery: true indeed that they vsed it for smal matters oftimes (but then much rather, by al likelyhoode, for this also, seeing the iudgement of death was so little executed amōg them) but yet that we know of none other besides; & then, that stil it remaineth true which I said before, that if Christ allowed of such a divorce, himselfe is both the first & the last that hath done it. That the nature of wedlocke doth not wel beare it, it may appeare by that which is said before of the weak reasoning of those, that cōclude the bond of matrimony to be by adulterie broken, which is notwithstanding but the offence of the one part onlie. Concerning which, although Mr *Calvine* tooke not to himselfe the benefit of it, as wee saw before: yet did hee there set downe both a very good rule; and a reason for it besides. The rule is this, *Sanctius est conjugij vinculum, quàm ut hominū arbitrio vel potius libidine solvatur*: that is, The bond of Marriage is a more sacred thing, than that it may be dissolved againe, when a man thinketh good, or rather when his lust doth sollicite him vnto it. His reason is, *Tametsi enim mutuo consensu sese conjungunt vir et uxor, Deus tamē nodo indissolubili eos astringit, ne postea liberum sit discedere. Additur tamen exceptio, &c*: that is, for although mā and wife doe ioine themselues togither with their owne mutual consent: yet doth God (otherwise) tie thē togither with

And for that the nature of wedlock cannot wel bear it.

Harm in Mat 5.31.

with ſuch a knot, as may not bee looſed, that afterwarde they may not ſunder themſelues againe. But yet there is added (ſaith he) an exception, &c: meaning this that nowe we ſpeake of, and ſo himſelfe doth make little vſe of the benefit of that his good obſervation that he leaveth to vs. For howſoever men & women may of themſelues ioine togither in holy wedlocke: yet when ſo they are coupled, thē are they alſo in ſuch ſort ioined togither by God himſelfe, that themſelues cānot breake the bond againe, as before is declared. As Mr *Calvine* againe ſaith elſewhere, *Penes virum non eſt, matrimonium facere irritum*: that is, It is not in the huſbands power, to make void his matrimony: though himſelfe there alſo, deſire no farther advantage of this general rule, but only that marriage by domeſtical cōtention bee not diſſolved: a ſmall matter in compariſon of that, which therevpon hee might iuſtly require. And therefore the counſel that in another place he giveth, is ſo much the rather in this caſe to be regarded, for that we may haue good hope therby, that this Exceptiō of Chriſt wil rather ſort it ſelfe to ſome other meaning, than to allow vs ſo ſtrāge a liberty. *Sed videant priuati homines*, ſaith he, *ne ſua vitia legum patrocinio tegentes, culpam eorum duplicent. Nam hic Dominus obliquè Iudæos increpat, quaſi ipſis non ſufficiat impunè ſuam proterviam tolerari, niſi Deum iniquitatis ſuæ authorem inſcribāt*: that is, But let private men take heed, that while they ſeek to cover their ſinnes vnder the patronage of lawes, they ſo make not a double fault. For here the Lorde doth covertly reproue the Jewes, as though it were not ſufficient for thē, to haue their naughtines (therein) to be without puniſhmēt, vnleſſe they made God alſo to be the author of that iniquity of theirs. As Iohanan and his company, being purpoſed before to go downe

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In 1. Cor. 7. 11.

In Mat. 19. 7.

Ier. 42. 20.

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downe into Egypt, yet would see if they coulde haue obtained the consent of *Ieremie* so to doe, that so they might seeme for to haue done it, if not with the Lords direction, yet at the least with his good leaue and licence first obtained. As *Balaam* also would faine haue gratified the king of *Moab* in that his bad suit; but yet woulde first very gladly haue had the Lords allowance therevnto, if by any intreaty he could haue obtained it: but hee, for greedines of the reward; and these, for the loue of their wanton pleasures.

Num. 22, 10. 19, &c.

Then what we may thinke to be their meaning indeed, and first of that in the fift of Saint Matthew.

26 What then should be the meaning of these two places that now we speake of, to the end that we may the better finde, because they do something varie, therefore it is needful, that we take them severally. First therefore to begin with that in the fift chapter of S. *Matthews* gospell, there will it bee needeful, first to search out his meaning therein: then to answere one speciall Obiection that properly to this place appertaineth. To search out the meaning of Christ herein, we had neede to consider not onlie how we may safeliest take it: but also, what we haue to induce vs so to do. As touching the former it cannot be denied (neither is it, that I know of, by any) but that in that notable sermon of Christ on the Mountaine, calling his auditory from the looseneſſe of those daies, among other things of that nature, he also tolde them, that whereas it had been *said of old*, that whosoever did put away his wife, should giue her a bill of divorcement, he now saide vnto thē, that whosoever did put away his wife except it be for fornication, should cause her to commit adulterie, & that whosoever married her that was divorced, shoulde cōmit adultery also. Which words, as it seemeth to me, we may safelieſt take in this only sense, that Christ did shewe himselfe thereby, at that time to seeke no more at their hands,

The sonse of the Place first set down

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but only ſo far to reſtraine that liberty of divorcing their wiues, as that they did it but only for adultery: not meaning to ſhew that hee would allow that liberty vnto thē; but only that now he would ſo far reſtraine it. That which we haue to induce vs herevnto, I meane, ſo only to take it, and not to ſtretch it further, reſteth on two principall cōſiderations: one, certaine circumſtances of this preſent place; the other, ſuch like in many other places of the Scripture beſides. The circumſtāces of this preſent place, are two: one, of the time; the other, of the perſons who were his Auditory at this preſent. The time was ſhortlie after that firſt he began to preach, having gathered manie of his diſciples, and done ſuch miracles, that now the people began to reſort apace vnto him. At which time Chriſt might wel thinke good, ſo far to beare with their weakenes and rudenes, as not to require (at that time) of them, the vttermoſt of that which rightly he might. His Auditory conſiſted on two ſorts: the common multitude; and thoſe his diſciples that then were. The cōmon multitude we may very wel thinke to haue beene ſo rude then, that wel his wiſdome might ſo farre forbeare them. The diſciples were of the common ſort before, & but lately come to Chriſt: and ſo conſequently not vnlikely to bee almoſt as ignorant yet, as they were before; and almoſt as much wedded vnto ſuch libertie, as in the looſenes of that time had growne vp among them, as the reſidue for the moſt part were. His Auditorie therefore conſiſting of ſuch, it is no abſurd thing to conceiue, that hee meant hereby to preſſe them no farther than ſo, and not to grant as allowed vnto thē, whatſoever now hee thought good, to leaue out of the bounds, that ſo he named. As, whē men are diſpoſed ſometime to take in ſome part of their land that ly-

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In loc. com. pro. pag. 347.

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mitigari poteſt. that is, This alſo (ſaith hee) may be anſwered, that that ſpeech of Chriſt which is of divorce, belongeth to the Iudiciall law: which, according as the time, place, and perſons ſhall require may be either cleane chāged; or, at leaſt, made more eaſie to beare. And then, if we may take it to appertaine vnto the Iudicialls, and to bee politicall (as no doubt it is the faireſt, in that ſenſe that before I noted, neither can there be any thing of moment, I am fully perſuaded, brought againſt it) firſt Muſculus, another of them, plainely ſaith, *Ciuiles leges multa non bona permittunt, propter ſubditorum malitiam, ne ſtatus publicus perturbetur*: againe, *nec omnia mala vetant, nec omnia bona præcipiunt.* that is, Civill lawes allow of many things that are not good, becauſe of the vntowardneſſe of the people, leaſt otherwiſe that publike eſtate ſhould bee hurt thereby. And thoſe lawes doe neither forbid all things that are ill, nor giue in charge all things that are good. In Mat. 5.

Maſter Calvine alſo, another of them, *Perperam*, ſaith hee, *ſumebant piè ſanctéque vivendi regulam ex jure civili. Nam leges politicæ interdum ad hominum mores flectuntur: Deus verò, legem ſpiritualem ferendo, non reſpexit quid homines poſſint, ſed quid debeant.* that is, They did il to take the rule of holy and godly life out of the Civill law (meaning the Iudicialls of Moſes.) For politicall lawes are ſometimes framed to the waies or maners of men: but God in giuing forth the ſpirituall law, did not reſpect what men are able to doe, but what men ought to doe. Harm. in Mat 5. 31.

Againe, *Magiſtratus multa quæ non probabit, cogetur tamen ferre: quia nunquam ita præclare agetur cum genere humano ut cohibeantur omnia vitia. Eſt quidem hoc optandum, ut nullum vitium toleretur: ſed videndum quid fieri poſſit.* that is, The Magiſtrate ſhall be compelled to ſuffer many things which he cannot allow: becauſe it wil never goe ſo well Idem in Mal.

Sect. 26. with mankind that all sin may bee restrained. It is indeed to be wished, that no sinne at all were suffered among vs: but we must consider, what we may bee able to doe. And therefore as Musculus saith againe, of that præsupposed Law of Moses, that Christ did teach, that it was not giuen to any such ende, *ut quod in se illicitum, coram Deo reddat licitum*, that is, To make that lawfull before God, that is vnlawfull in it selfe: even so, not onely wee may safely take this exception of Christ; but also it will soone be found, as I doe take it, to bee the most approued sense that any way else we are able to finde, if indifferently we consider thereof as we ought to doe. In many other such like places of Scripture besides, we may so plainely find, such sparing of the rude and ignorant people to be of God, as that it need not to be thought any derogation to the glorie of Christ, if so be wee take that onely to bee his meaning therein: and first, in the old Testament; then, in the new. In the old Testament wee finde such like dealing in two speciall Prophets: Moses the one; and Elizeus, or Elisha the other. Moses, so soone as ever he found, that God had put on him some special glorie, that the people were not able to behold his countenance for the brightnesse or shining of it, by and by put a vail on his face while he was with the people: which notwithstanding hee did put off againe, when hee talked with God. Afterward, when hee gaue them lawes, and was not ignorant of their greate

Exod. 34: 29-35.

looſnesse in many of their waies, and namely in taking more wiues then one, and in diuorcing such as they had, albeit he knew them wel enough, and spake of them too: yet did hee make no law against them, nor so much as reproue them neither. Elizeus also, when his new convert Naaman did seeke to haue the Prophets approbation,

Deut 21, 15. 24, 1.

2. King 5: 17-19.

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that he might (in one caſe) a little halt betwixt God and Baal (at leaſt, as it ſeemeth that his wordes did therevnto tend) the Prophet did nothing at all reproue him, but after the vſuall maner did bid him farewell. In the new Teſtament we haue the like, not only in divers of his ſervāts: but alſo, in the Maſter himſelfe. In his ſervants wee haue ſuch things, both in divers of them ſeverally: and in the whole body of the chiefe of them all, iointly together. Of thoſe that are ſeverall, firſt we haue that faithfull one that came before him, vtterly denying (for the peoples weakneſſe, whom hee found to bee ready to haue him in over great admiration) that hee was Elias: which notwitſtanding in two ſeverall places Chriſt doth as plainely aſcribe vnto him. An other that followed, being in hand to ſpeak of Melchiſedek, and then remembring that ſuch things as were to be ſpoken of him, were many of them hard to be vttered, and withall that thoſe to whom hee ſhould vtter them, were of a dul & hard vnderſtanding, doth ſuddainly breake off the courſe of his ſpeech, even in reſpect of that weaknes of theirs becauſe yet they were not capable of ſo high points of doctrine as thoſe. In the whole body of the chiefe of them all iointly together (I meane the Apoſtles and many other of the faithfull aſſembled together, in a Councell at Ieruſalem, about the ſchiſme that a little before ſprang vp at Antioche) we haue an example of wonderfull bearing with the peoples weakneſſe, preſcribing in a manner nothing elſe vnto them, but onely that which tended therevnto, and that not only in forbidding vnto them, but ſuch meates as had before beene offered to idols (which notwithſtanding may well be eaten but when offenſe thereat may be taken) and therewithall both blood and ſtrangled (both which were but ceremo-

Ioh. 1. 21.

Mat 11. 14. & 17. 10. 13.

Heb. 5. 11-14.

Act. 15. 23, 25

1. Cor. 8. 1-9

Sect.26. niall,& by the death of Christ,with the rest of that kinde cried down alreadie,though the time seru'd not thē by & by to proceed for the funeral of thē,or to haue their dead carkasies vnto the graue:) but also,in setting downe fornication (by the reason of the great loosenes of the people therin)yet in like degree with those others,which notwithstanding is a great deale more odious by manie degrees. So much were they led by the Spirit of God to beare with the weaknes of the people then: so carefully they covered the brightnes of their faces, least it shoulde dazle(if not cleane put out) the weake sighted eies of the ignorant people. In the Master of al,how oft do we finde, that hee forbiddeth,not only [a] others, but his [b] disciples too,and the [c] best of thē al,not to be so much as acknown of divers things of special importance, vntil they shoulde bee farther strengthened therein? not that those things might not be by them declared,but that hee woulde haue them somewhat strōger,before they should meddle with them.How plainely doth himselfe likewise tel them, that hee had many things to speake vnto them, but that they were not able then to beare thē?& for that cause(as then) he did not tronble thē any farther with thē.How quietlie also doth hee put vp that dogged waywardnes of the elder brother, only for that his father was so good to the younger,when he so little deserved the same, that sweete (but foolish)conceipt of him, that thought he had so fully kept al those commandements of God: that frowarde wrāgling of those,that though they had their ful due, yet were they not well, only because others had as much as they:that vnseasonable & strāge ambitiō of those two Apostles,and,the repining of the rest against thē? Al which, though of divers kindes,yet evē by it also,do so much the more

[a] Mat 44.7, 36,
[b] Mat.16. 20.
[c] Mat.17.9.
Ioh. 16.12.
Luc.15,18,31
Luc.18,21,22
Mat.20,12.16.
Mat,10. 35. 45.

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more plainely declare, that the infirmity or weakenes of man is alwaies almost very favourably regarded, not only of good men, but also of God. That one obiection that properly to this place appertaineth, is, that in this place Christ was in hand to commend vnto them a more strict observation of the lawes of God, than the better sort of them (in common account) had inured themselues vnto, or thought they needed to haue done: and then, that it should seeme thereby, that taking the Exception in that sense that they would haue it in, and themselues vsing that liberty of it; they shoulde therein doe nothing against the rule of godlines, no, not only when it is but easily or with great liberty delivered vnto vs, but when it is in strictest manner exacted of vs. Howbeit whosoever advisedly shal consider of the place it selfe, may plainely see that it doth not afford any such argument, because we may see, that it was not the meaning of Christ to teach the vttemost of perfection in those matters that he spake of, but onlie to cal them on much farther therein, than they thought anie need to require, or at least that they in their waies regarded. This may sufficiently appeare, in those other examples, that there he bringeth: whereof some there be that goe before this that now we speake of: & others, that follow. Those that goe before, are two: one, Thou shalt not kil, the other thou shalt not cõmit adultery. In both which hee discovereth much more than they in that loose time regarded, but nothing so much as those lawes require of vs; For in the former hee speaketh but of certaine other branches that are likewise forbidden; and nothing at al of any of those that are required, which notwithstanding are both many, and of special importance besides: and in the latter he speaketh but of one braunch only, and omitteth

Then a certaine obiection answered.

Mat. 5. 21, 27

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Mat.5.33. kinde. That which is of a ſeverall kinde by it ſelfe is that of Not ſwearing: wherein hee forbiddeth divers other branches alſo that are forbidden; but yet leaveth many others of thoſe, and all on the other ſide that are required, vntouched likewiſe. In thoſe two others that are
Mat.5.38. in a manner of one kinde, hee doth but reforme their bad miſconſtruing of two ſpecial places: one, that becauſe Magiſtrates were appointed & allowed to inflict the like puniſhment on the offendor, as hee in the way of private wrath or revenge had inflicted on an other, as eie for eie, and tooth for tooth, therevpon they gathered, that ſo fat they might in their private quarrels proſecute their own revēging deſire, or at leaſt that they might lawfully craue
Mat.5.43. ſo much of the Magiſtrate, though but to ſatisfie their owne deſire; the other (not altogither vnlike to the maine point that now we ſpeak of) that becauſe the letter of the law did require their loue but vnto their *neighbours*, they thought therefore that they were allowed to hate their enimies. Thoſe that follow in the next chapter, are other three likewiſe: one of them reſpecting ſome part of our duty towards mē, which is doing of our almes; the others
Mat.6.1. ſome part of our duty to God, which are Praier, and Fa-
Mat.6.5.16. ſting. In the firſt and laſt of which both he rebuketh the oſtentation of it, and teacheth them how to behaue themſelues for that matter: and in the middlemoſt he rebuketh but it againe, and vaine babling withal; and then teacheth them,

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them, both how to pray, and to remember, that so oft as they seeke forgiuenes of God, they also forgiue such trespasses as others do vnto them. Thā the which it is sufficiently known vnto al, that there be in every of them many things else, that the rule of godlines, as it is set downe in the word of God, doth also require: and then, there is nothing in this to the contrary, but that, although Christ cal them here to greater godlines, yet may such as put awaie their wiues and marrie againe (though it were for adulterie) account that they may well enough bee great sinners therein.

27 In that other of the 19 of *Matthew* we are to go thus farre also, both to search out the sense and meaning of those words of his there: and then to see, what reasons we haue for to induce vs so to take them. As touching the sense of those his words, it seemeth to be, not so much to teach any point of doctrine, as to elude that subtle practice of the adversarie, and withal to stop their mouthes. The reasons that we haue to induce vs so to take it, are divers: first because the authority, or iudgement of others doth so direct vs; then also, for that the circumstances of the Text it selfe doe altogither seeme to leane that way also. Concerning the iudgment of others, Saint Ierome is reasonable plaine therein, *Igitur Dominus*, saith hee, *sic responsionē temperat, vt decipulam eorum transeat: Scripturam sanctam adducens in testimonium, & naturalem legem primámq; Dei sententiam secundo opponens: quæ non voluntate Dei, sed peccantium necessitate concessa est.* that is, Therefore the Lord doth so temper his answere, as it may serue to escape the pitfall that they made for him: bringing in the holy Scripture, and the law of nature to cōfirm the same: and setting the first sentence of God against the second.

The sense of that other, in the nineteenth of S. Matthew.

The iudgmēt of others In Mat. 19. to. 9. fol. 26.

Sect. 27. second, which it pleased God to afford them, yet not so much standing with his owne good liking, as yeelding therein vnto the necessitie of those that are so carried away with sin. Wherein that he speaketh of a second sentence of God, against which he saith that Christ opposeth the first, it seemeth thereby that as yet hee had not espyed that the Originall was not so: which notwithstanding if he had better regarded, he might soone haue found; and then being in a good way already, in that hee had noted that Christs purpose was to avoid their deceits, he might haue giuen a fuller answere, if better hee had followed on that course whereinto hee was so farre entred. Musculus likewise *Quoniam autem quærebant nō discendi, sed tentandi gratia &c. videamus quomodo respondeat: hoc est, quomodo sapientia Dei laqueos tentatorum Pharisæorum evadat.* that is, Seeing they came not to learne, but to tempt him, let vs see how hee doth answere them: that is, how the wisdome of God avoideth the snares of the tempting Pharises. And so, in effect, Mr Calvine too, though in fewer words. *Christus*, saith he, *apta responsione falsam invidiā diluit*: that is, Christ, by a fit answer wipeth away that evil opinion, that they by their cunning would gladly haue brought to passe to haue conceiued of him. The circumstances of the Text that seeme to leane that way also, are of two sorts: one, that many besides haue noted; & two others, that I haue not yet found to be noted by any. That which many haue noted, is, that the Pharises indeed, did not at this time come to learne any doctrine of him concerning the matter that they thē did propound vnto him: but only to tempt him, and to entangle him to some inconvenience, as to disgrace him vnto the people; or to accuse him vnto the Elders. And then, comming in such

In Mat. 19. p. 502.

In Mat. 19. 7.

The circumstances of the Text it selfe.

sort

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sort vnto him, we haue therin cause enough to take heed that wee doe not account, that in such case needs it must be that Christ would giue forth any part of that which should bee an ordinarie doctrine in the Church: but rather, that hee would frame them some such answere, as might be meetest for them, to requite them in their iniquitie. Which that we may the better conceiue, and resolue our selues accordingly therein, it shall be good a little to consider what wee haue in the Scripture to induce vs therevnto, either of testimonies, that witnes the same: or else of examples, that so God hath dealt with others already. For testimonie hereof it may suffice that Christ is so plainely said to be a Stone to stũble at, even to both the houses of Israel, and that to the ruine and overthrow of so many as do not beleeue, or rest not in the word that he hath spoken: and that the Prophet is as plainely willed to infatuate the hearts of the people, to stop vp their ears and to shut vp their eies; least they should see with their eies, and heare with their eares, and vnderstand with their hearts, and should be converted & he should heale them. Examples are many: but fewe will serue. In the old Testament it is cleere, that when, even the Elders came to the Prophet, not in so good manner as they should, they were not vouchsafed any good answere: and when those Captaines with their Fifties in like sort came vnto another, they receiued an heavier iudgement, though so they were sent by the King their Master. In the new Testamẽt we haue some likewise, that are of such severity, in matter somewhat further off: and some of like severity too, in matters that are of the same kinde that now wee are in. In matters somewhat further off, not only Christ did vse to speake in Parables vnto the Iewes, and himselfe gaue

Isa. 8. 13. 15. Luc. 2. 34. Rom. 9. 32. 33. 1 Pet. 2. 8. 9.

Isa. 6. 10.

Ezech. 14. 3. 8.

2. Kings. 1. 9. 12.

Mat. 13. 11.

Sect. 27. in the reaſon, becauſe it was not given vnto thē, to know thoſe things, that did appertaine to the kingdome of heaven: but even the Apoſtle S. Peter alſo ſtrooke downe with ſuddaine death, both a man and his wife, that came with a contribution vnto them, though not in ſuch ſort as they ought to haue done. In matters that are of the ſame kind that now we ſpeake off, we ſhall need (I truſt) no more, but only to note, how Chriſt himſelfe directed his anſwers in ſuch like caſes; and namely, when either they tempted him: or whenas he queſtioning with them, they would not acknowledge the truth when they ſaw it. Of their tempting of him, we need go no further, but only to theſe two: the one, of Tribute, the other, of the woman taken in adultery. In that of tribute it is plaine, that they went about to entangle him in his ſpeech, as himſelf alſo did tell them, and reproue them for it. Wherevpon in ſuch ſort he framed his ſpeech, as was ſufficient, both to cleere himſelfe, and to put them to ſilence: but yet not ſo full, for the doctrine therevnto appertaining. For though it be moſt true, that there he deliuereth that wee muſt giue vnto Cæſar, the things that are Cæſars, and vnto God the things that are Gods: yet both the doctrine is but generall, not ſhewing, whether that which they ſpake of be due or not; and that which might ſeeme to be brought in by him to conclude it, ſerved rather to ſtop their mouthes then that they and others ſhould thence haue gathered, that the Prince hauing ſet his ſtāp on the coine, it is as thence forward made his ſo abſolutely therby, that none others can haue any property in it. In that other, of the woman taken in adulterie, as there alſo they came to tempt him, ſo they were accordingly ſerved: firſt vouchſafing them no anſwere at all, but otherwiſe ſo imploy-

Act. 5. 1, 10.

Mat. 22. 15. 22

Ioh. 8. 3. 11.

ploying himſelfe,as if he would by his doings teach thē, Sect. 27.
that it were as good to doe nothing,as to giue any good anſwere to them that came ſo vnto him; and, when that would not ſerue ,but that ſtill they vrged him to haue his anſwer(becauſe they thought they had him now on their hip)then giving ſuch an anſwere vnto them as choked thē all,and made them to bee glad to get them away. When he likewiſe did on a time ſo queſtion with them,that they could not but ſee the truth,& yet when they ſaw it,would not acknowledge it(which was to ſhew by what authoritie he did thoſe things among them; which they pretēded they would faine know of him) as then they plainely bewraied themſelues that they came to entangle him, and not to learn of him; ſo he likewiſe dealt accordingly with them,confounding them firſt in their owne deviſe,& thē denying to giue vnto them any further anſwere. Thoſe other two that I haue not yet found to be noted by others, do the one of them appertaine to this preſent time:the other,to a time that followed a little after. That which belongeth to this preſent time, is to note, in what ſenſe the Diſciples tooke it. For if the diſciples then did not ſo vnderſtand Chriſt,as though he had by thoſe wordes of his allowed the liberty of putting away our wiues for adulterie,and to marry againe:then, of the two,I thinke that we alſo may ſafelieſt take it,that hee graunted,no ſuch allowance indeede. And that they did not ſo take it,but rather, that they might not part with their wiues in that caſe neither , and much leſſe marrie againe, it may ſeeme by this, that they accounted thēſelues to be ſo much ſtreightned thereby,that therevpon they plainely ſaid,that if the matter were ſo betwixt man and wife,then were it good not to marrie at al. For preſuppoſing that they were none of

Mat.21,23.27

Mat.19.10.

Sect. 27. the looſeſt ſort for ſuch matters, but that a reaſonable liberty might content them, it wil ſo fal out, that if they had take thoſe words of Chriſt in that ſenſe that theſe would haue them, they would then never haue accounted themſelues to be ſtraightned thereby. For ſuch as were of anie reaſonable moderation, even among the prophaner ſort, did yet account it liberty enough to be allowed, for adulterie to put away their wiues, and to marry againe: & we may wel perſwade our ſelues, that the Apoſtles were thē alſo much better than thoſe: and therfore that if they had ſo vnderſtoode Chriſt, they would not then haue conceiued ſuch hardneſſe as they did in the married eſtate. And then, if the Apoſtles did ſo take the words of Chriſt, as altogither forbidding diuorce and marrying againe, yea though it were for adultery alſo, even that only conſideration may wel weigh with vs to conceiue better liking of that ſenſe likewiſe, if it ſhoulde not ouer rule vs rather. That which belongeth to the time that followed a little
Mar. 10, 10 12 after, is, that when the Diſciples, by occaſiō as it ſeemeth, of this his ſpeech vnto the Phariſes, did aske him againe, concerning this matter, he then left out (vnto them) the Exception that he had vſed before, & plainely tolde them, that whoſoever ſhould put away his wife, and marrie an other (not vſing the Exception of adulterie to theſe now, as he did to the Phariſes before) he ſhoulde commit adultery againſt her, and ſo ſhoulde the wife likewiſe, if ſhee ſhould deale ſo with her husband. Wherein I note a manifeſt difference, in thoſe to whom he hath ſpokē in theſe two places: the former being the tempting Phariſes; the others being his owne Diſciples, and inquiring (as it ſeemeth, in that they were ſo troubled before) for their own better learning. Of which differēce we need not to doubt,

but

but that Christ might wel take occasion, so far to varie in his speeches vnto them, as in those two places we see that he doth. And if now the question should be, out of whether of these two answers of Christ, it were safest for vs to take our direction in all such cases, mee thinke, there should be no question of it, but that this his answere vnto his disciples apart by themselues, should be more likely to giue the sense to the other, than thence to borrow a sense for it selfe.

28 The doubts that I speake of, that seeme to bee strong against the sense of these two places that nowe I haue gathered, are especially two: one, the Exception that is vsed in both; the other, that the Apostle, allowing either partie in some cases to marry againe before the death of the other, may seeme much rather to allow of this. Concerning the Exception that is vsed in both, we are to note that first if we take it in that sense which I haue already giuen it, then do themselues perceiue, that it doth helpe thē nothing at al: but then, that they on the other side may probably challendge, to haue such a sense allowed vnto it, as wil somewhat favor them herein. If we take it in that sense which I haue already given it, thēselues do then willingly yeeld that it helpeth them nothing at al, for that so in the former he doth but beare with the rudenes or weaknes of them: & in the latter, vouchsafeth to giue them no better answere, because then they came not to learne, but only to tempt him, or to disgrace him vnto the people. And then, allowing this sense to rest vpon it, wee haue no hardnesse but only in this, how to reconcile that kinde of speech to stande with the sense that nowe wee speake of. Which in my minde may easily be done, if we note, that the Scripture according to the aforesaid rule of S. *Basile*,

Certaine doubts answered, namely of the Exception that it will not help them, in that sense that we doe take it in shewed by divers other places.

Sect.28. when it ſpeaketh of two things, as ſome way oppoſite the one to the other, doth oftentimes ſo deny the one of thē, that nevertheleſſe it doth not thereby grant vs the other: as many Examples doe witnes vnto vs, both in the Olde Teſtament, and in the New. In the Olde Teſtament (among others) we haue one that concerneth Princes only: and more that concerne all others generally. That which concerneth Princes onely, is, that their King is ſo plainely forbidden to take vnto him manie wiues, and to gather him much ſilver and golde. Where it is plaine, that both thoſe are ſo forbidden to Princes, that they are not allowed to others. Of thoſe that concerne al others generally, I haue noted a couple: one, that forbiddeth vſurie; the other, that forbiddeth to marry two ſiſters. That which forbiddeth vſurie, is, that they were ſo plainely forbidden to lende their mony on vſurie to their brethren: whereupon it had been an hard collectiō thence to haue gathered, that to ſtraungers they might, had they not had the ſame liberty in plaine tearmes allowed vnto them, as we ſee that it was in the next verſe after; but yet in ſuch ſort (wee are to gather) as otherwiſe was not againſt the law of God. For there are wee thus to diſtinguiſh, that in that place which concerneth their brethren, they were vtterly forbidden to take any vſury; or any māner of advantage whatſoever: and in that other that concerneth ſtrangers, that they were forbidden but only that which was vnlawfull or ill: & not ſuch as was not againſt the rule of Charity. The like whereof wee haue before, *Deut.*15. of which *Lyranus* noteth wel, ſaying, *Conceſſit dare ad uſuram extraneus, ne fratres gravarent. Sicut ergo, qui non dat ad uſuram nec extraneo, nec propinquo, facit magis ſecundum intentionem Moſis: ita ille qui docet uxorem non dimit-*

In the olde Teſtament.

Deut.17.17.

Deut.23.19.

Ib.20.

In Mat.19.

Sect. 28.

mittendam, non dicit contra ejus intentionem, ſed magis ſupplet & perficit illius legis datæ imperfectionem. That is, Hee granted them liberty to lend vpon vſury vnto ſtraungers, that they ſhould not be grievous vnto their brethren. As therefore he that lendeth not forth his money to any vſurie at all, neither to the ſtranger, nor to his neighbor, doth better follow the intention or minde of *Moſes*: ſo hee that teacheth, that a man may not (for any caſe) put awaie his wife, he ſpeaketh not contrary to his meaning, but rather accompliſheth & ſupplieth the imperfection of that law given. (Not ſeeing then, that *Moſes* had in plaine words allowed that vnto them, which now we ſee, he did not, as before is declared.) But in this liberty that is ſo plainely giuen vnto them, of lending on vſury vnto ſtrangers, wee may well take good inſtruction vnto the matter that wee haue in hand. For as they, though they had that liberty graunted vnto thē, yet becauſe it was otherwiſe ſo plainely forbidden, ſhould therefore in that caſe diligently inquire, what kinde of vſurie it was that was ſo farre allowed vnto them, or in what meaſure it was permitted; and not (at adventure) ruſh at any: even ſo in this likewiſe, ſeeing divorce is a thing ſo contrary to all Scripture generally, if in this caſe we thinke that it is permitted, yet were it the duty of al that would take to themſelues that liberty, firſt to make diligent inquierie, how farre that liberty of theirs might be extended, not croſſing any other word of God thereby; and not ſo reſolutely to determine, that ſuppoſing ſuch a liberty is graunted, they therevpon cōclude withal, that there is nothing againſt the courſe that they haue taken, to obtaine to themſelues the inioying of it. In that which forbiddeth the marriage of two ſiſters whe are not only to conſider of the place it ſelfe: but alſo

of

Sect. 28. of Mr Bezaes iudgement thereon. The place it ſelfe is, that every one is forbidden, during his wiues life, to marry her ſiſter alſo: a place ſo taken by the generall aſſent of all, that although it ſeeme to forbid it, but only during his wiues life; yet that no man thereon may gather, that it is allowed for any man ſo to marry, after his wiues death neither. But now if we looke ſomewhat further into it, we may finde that (in the iudgement of ſome, and thoſe none of the meaneſt) the ſiſter that there is ſpoken of, is not meant of a naturall ſiſter (that being in effect, and by the like forbidden before) but of any other woman; as, when a man hath one wife already, yet to take another vnto her: as indeed thoſe words in the Hebrew it ſelfe are divers times elſewhere ſo vſed (as they alſo haue noted) and divers other good reaſons there are why rather wee ſhould ſo take them. And then whereas the Turkes (and ſuch other libertines of that kind) are wont to reaſon, that to haue more wiues then one, is no where forbidden by the word of God in the old Teſtament (and the new they doe not much regard) and ſo take vnto themſelues the freer liberty that way to offend, if now the iudgement of theſe (being more then any of the reſt that I knowe of, haue found) may be of force to weaken that reſolute negatiue of theirs (not indeed gainſaid much by others here tofore:) what letteth, but that theſe alſo, if the exception that now wee ſpeake of, may haue in the iudgement of ſome of the learned another ſenſe, may well doubt of ſo reſolute concluſion, as they make therevpon, and ſo conſequently not thinke their libertie ſo cleere now, as they haue preſumed before that it was? Mr Bezaes iudgement on this place I haue rather noted, for that if he would afford vs, but the ſame indifferencie or meaſure in the mat-

Tremel. Iun.

Ib. 16.

M. Bezaes iudgement herein worth the marking

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Sect. 28.

ter of divorce and marrying againe (that now wee speake of) as he doth in this, the matter in question would soone grow to an end betwixt vs. For himselfe doth call this kinde of speech an exception also, and giveth so good an answere vnto it, as our selues would desire no better for that other Exception in the speech of Christ that now wee speake of. For moving the question, *Cur igitur inquies*, saith he, *in alia lege additur exceptio, illa vivente, nisi ut intelligamus, una demum sorore mortua, alteram ducere fas esse.* that is, Why then (will you say) saith he, in that other law is this Exception added, *while shee liueth*, but that wee may so take it, that when one sister is dead, then may we lawfully marry another, his answere is this: *Respondet Basilius eadem illa epistola, non temerè ex eo quod scriptum est, colligendum esse quod scriptum non est.* that is, Basil answereth in the same epistle (he meaneth in his Epistle *ad Diodorum* which he cited a little before) that out of that which is written wee must take heed, how wee gather any thing that is not written. And then himselfe also addeth his owne approbation thereunto saying, *Et sanè ita est quoties saltem id quod consequi videtur, vel absurdum est, vel alio loco, siue expressè sive tacitè damnatum.* that is, And truly so it is, so oft at least, as that which seemeth to follow thereon, is either absurd, or, by some other place besides, either expresly, or by implication condemned. Examples wherof he bringeth a couple: one, out of the last; another out of the first Chapters of the Gospell by S. Matthew. *Promittit Dominus*, saith he, *se Ecclesiæ suæ affuturum, quamdiu seculum hoc perstiterit: an inde colliges, vel desinente mundo abfuturum illum à suis, vel illud frustrà adiectum fuisse? Non cognovit Iosephus Mariam quamdiu prægnans fuit: an ideo efficitur, vel illam postea fuisse à viro cognitam, vel illud frustrà*

De repud. & divort. p. 79. & 80.

Mat. 28. 20.

Mat. 1. 25.

Sect. 28. Ἀνὶ γινομένῳ ἐμοῦ ἕως τῆς συντελείας τοῦ αἰῶνος. That is, The Lord promiseth that hee will bee with his Church so longe as the world standeth: may a man gather thereon, either, that when the world shall haue an end, he wil thē absent himselfe from them; or else, that that (limitation) was added in vaine? Ioseph had no carnall knowledge of the blessed Virgin, so long as shee was with child; doth it therefore follow, that either afterward hee had such knowledge of her; or else, that that (limitation) was to no purpose set downe by the Evangelist? In which iudgement of his we haue divers things (me thinke) right worthy the marking: some directly appertaining vnto the matter wee haue in hand; and one other besides, out of which wee may take some benefit also to that purpose, though it ly so farre of from the same, that few there bee that would so apply it. Those that doe directly appertaine vnto the matter that we haue in hand, are, the rule that he bringeth out of Basil: and his owne approbation of it. The rule that hee bringeth out of Basil is such, as that if hee will afford it in this cause so far vnto vs, as in that other he taketh it vnto himselfe, we may account our selues so fenced with it, for the matter that now we speake of, as that neither himself, nor any other shall easily bee able to bring any thing of force against vs. In those words of Christ let them take heed, how they gather out of that which is spoken, that which is not, and then I trust that in the matter our contention also will soone be ended. That which is spoken, is plaine, that no man may put away his wife, vnlesse it bee for adultery: but that for adultery a man may doe it, though they thinke that to be plainely implied; yet vnles that also, be either there, or somewhere else plainely said, let it then stand as not said as yet, and then let them with-

all

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all take heed, how they gather it out of the other. In his approbation of it we see that he doth not onely in plaine tearmes approue it: but also doth adde some examples vnto it. If we goe no further but only to the words of his approbation, we may see that as he alloweth of the rule generally: so doth hee account it more strongly to hold whēsoever it is either absurd, or against some other Scripture, that should be gathered therevpon. If it be good generally, even that only, I trust, will yeeld as much as wee shall need. If it be stronger in those two cases, then howsoever it may be, that very few can account it a thing *absurd*, that for adultery a man should be allowed to put away his wife and to marry another: yet if they will put it to the triall of other Scripture, I trust themselues wil not deny, but that they haue none other for it; and that wee doe charge them, there is much against it. His examples doe altogether stand with vs, and are very strong against them, to bring them vnto a better iudgemēt in those matters: and, howsoever the former of them is without exception (for the matter that now I am to deliver) yet for the other, I thinke they may not deny, but that to let goe the limitation in the latter of them, were not of so hard a consequence in the Church of God, as so farre to enlarge the Exception that now wee speake of. That one thing that lieth somewhat farther off, and yet is such, as out of which we may take some benefit also to this that I speake of, is, that notwithstanding M. Beza did (by this occasion) so specially looke into this place that nowe wee are in (I meane *Lev.* 18:18.) yet did hee never finde that, which before I shewed Tremellius and Iunius both, to haue noted thereon. Of set purpose he disputeth it to and fro: and vseth the authorities of S. Basil, Rabbie Solomon, S. Au-

Sect. 28. guſtine, and Mr Calvine therein; and conferreth it with ſome other Scriptures beſides. And yet (being a good linguiſt himſelfe) he looked not ſo far into the proprietie & vſe of the tongue for that point, but that hee let a good part of his matter to ſlip him therein, which otherwiſe he would haue bin loath to haue miſſed. Wherein although hee may well bee excuſed, for that all generally (for any thing that yet I haue found to the contrary) were wont ſo to take it, and to make no queſtion of it: yet thus much may we gather, to the purpoſe that now we haue in hand that if wee find, that in this God hath imparted to theſe a greater light in the Original, then to many others beſides: then may it be ſo in that other place alſo that before wee had out of Deuteronomie, whereon was laid a great part of the foundation it ſelfe of that opinion. But if theſe had publiſhed that iudgement of theirs before (as it may ſeem that they had, or thereabout; for they publiſhed the ſecond part of the Bible but 3 yeeres after this book of Mr Bezaes) then was the overſight therein ſo much the more vnhappy, for that then there was come abroad good meanes to amend it. In the new Teſtament we may bee the ſhorter, becauſe that M. Beza himſelfe hath alleaged a couple of good importance to that end if they bee conſidered, and we will lay but two more vnto them: one, of another ſpeech of Chriſt; the other, out of the Apoſtle S. Paul. That other of Chriſt, is, of not comming thence, vntil the vttermoſt farthing be paid. That of the Apoſtles is, that a Biſhop muſt be the husband of one wife. In both which we may ſee, that ſomething is in ſuch ſort to be denied, as that the oppoſite is not to be accoũted thereby to be grãted: in the former, that the cõming out thẽce is not ſo denied til then, that it may be thought to bee affirmed,

In the new Teſtament.

Mat. 5. 26. 1. Tim. 3. 2.

that

that thē it ſhouldbe;in the latter,that it is not ſo denied to a Biſhop, to haue mo wiues thē one,that it is allowed to others to haue. So in this it may be likewiſe, that it is not ſo denied to any to put away their wiues,vnles it be for adulterie, that thereby it is granted vnto them that ſo they may;but that herein alſo he doth ſo deny the one,that yet he granteth not the other, eſpecially when as no where elſe we haue any Scripture for it:but much,that (even thēſelues do grant) hath a great ſhew to be againſt it;and we nothing doubt,but that it is againſt it in deed.

How little the Exception doth help them, in that ſenſe that they would haue it.

29 If they will challenge the benefit of the other, than we are againe to note,both how farre it is, that the Exception that nowe wee ſpeake of may ſtretch to their helpe:and then,what themſelues muſt yeeld too withal,if ſo they wil take it.How far it is that it may ſtretch to their helpe,may ſoone be ſaid: namely,no more but only this, that in ſome caſe it were not ill, or at leaſt might be tolerated,that for adulterie the party innocent might breake of and marry againe.For though he meant in that Exception to grant that libertie,yet his words doe not driue vs, that we ſhould ſo take it generally :but wil hold thēſelues contented or anſwered,if ſome caſes there bee, in which for adulterie it may be permitted.For though the reſidue of the propoſition be a general Negatiue; yet the Exceptiō is neither general,nor negatiue neither; but particular, and affirmatiue too. And thē the rule is good,that is vſed by divers of the learned, for the better quieting and eſtabliſhing of mens mindes in the truth of the doctrine, that concerneth things indifferent: namely,that howſoever, whē the general propoſitiō is Prohibitorie or forbidding, all the *ſpecies* or the ſpeciall branches of it, are alſo forbidden,yet if generally it be commanded or required,thē the

A rule to iudge of things vnlawfull,and indifferent.

Sect. 29. ſeveral branches thereof (at leaſt many of them) may bee indifferent, and are according to the circumſtances therevnto appertaining, to be adiudged. As in the Commaundements, they all forbid, but only two of them, the fourth and the fift. In thoſe eight therefore that do forbid, there is no ſpecial branch to them appertaining that can be indifferent, but is cleerely vnlawful (no braunch I meane, of that part of it that is Prohibitorie: for every of them doth imply the commanding part withal; as thoſe two likewiſe that firſt command, do alſo imply that which forbiddeth;) as alſo in thoſe two that Commaund there be many branches which may be indifferent, till ſome ſuch circumſtances ſhalbe added therevnto, as ſhall caſt the ballance the one way or other. For examples ſake, the firſt commandement forbidding vs to haue any other to be our God ſaue the Lord alone, leaveth not one of them to ſtande indifferent (in ſuch reſpect vnto vs) but altogither, forbidden vnto vs: but the fourth, that requireth to keepe holy the Saboth day, leaveth divers of thoſe braunches that belonge thervnto meerely indifferent, vntil, by farther order taken, it bee more ſpecially ſet downe, in what ſort it muſt bee kept holy. And ſo conſequently, ſo long as no farther order was ſpecially taken, a mã that were careful not to trãſgreſſe againſt the ſame, had no way at al, but to make farther inquierie, in what manner he ſhould keepe it holy: & then to follow the rule preſcribed. And ſo in this, ſeeing there is nothing ſaid but generally, that for adultery a mã may put away his wife and marrie againe (for that ſenſe now for the time, for reaſonings ſake, wee are to admit) therefore whoſoever would bee loath to offend therin, he had neede more ſpecially to inquire, in what caſe, & in what manner, it might be done for adultery alſo. For hee

that

Sect. 30.

that saith, that for it, it may be done, doth not say that in al cases, and howsoever it may be done, so that once the occasion of adultery be therevnto given: but as he granteth that in such case there is a farther libertie than in many others, so doth he likewise by the same though closely, yet necessarily require, that if himselfe do not more specially declare what it is, then that there be farther inquirie after it. And then in this case, though the meaning of Christ in that Exception had beene, not to deny, but that for adultery such liberty might bee allowed, yet might no man in his owne private case presume any farther thereon, than elsewhere in the word of God, he should finde the same warranted vnto him: & there is none of those that follow it (if themselues be honest, and haue any iudgement) but that do adde such limitation & cõditions vnto it (as partly we saw before) as we may safely gather thereby, that they do not account it allowed indifferently, or, at large vnto all. So that, though this sense were allowed vnto them, so farre as the words themselues should require: yet so also were it like to fall out, that very few of them should be able, to shrowde themselues vnder any iust protection of them.

That they ought to bee well aduised herein.

30 Which that they may the better perceaue, nowe are they to be put in minde of the other: namely, what it is wherevnto themselues are to yeeld, if they would haue any benefit of this latter sense of the Exception. And that may they plainely perceiue to require these two things: first, that they bee not too hasty to take vnto themselues that libertie, but that seriously they advise them selues vvhat they doe therein; and, when they are advised of it, how far then they are to forbeare it. That they bee not then to hastie to take that liberty, but that well they

advise:

Sect.30. adviſe themſelues what they doe therein, as themſelues may ſee that they ought ſo to doe: ſo haue they good provocation vnto it. Themſelues may ſee that they ought ſo to doe, even by the nature of the thing that they haue in hand. For being ſo doubtfull as it is, being by many of the learned, ſo plainely and reſolutely gainesaid, even cõmon ſenſe will in ſuch caſe teach any, that they ought to take good heed to their doings, and not at adventure to intrude themſelues into that, which as yet they finde not to befall vnto them. The provocation that they haue therevnto, is in ſuch examples as of that matter wee haue: and in the experience that wee haue likewiſe of the great diſpleaſure of God to divers of thoſe, that haue neglected that point of duty. The examples that we haue are many, but few will ſerue to ſhew vs the way that in ſuch caſe we are to follow: even David alone, if we heed him well; but we will adde ſome others vnto him beſides. With David it was an vſuall thing, in matters of difficultie, not to medle at all, neither one way nor other, vntill hee had firſt ſought to the Lorde, and thence had taken his direction: and that not only in the time of his trouble; but alſo, whē he was to enter into the poſſeſſion of his Kingdome. In the time of his trouble we haue good inſtruction of this kinde in his example, firſt in helping certaine others: then in recovering a loſſe of his owne. Thoſe others were the inhabitants of Keilah, whome the Philiſtines at that time beſeiged. Whereof when tidings were brought vnto him hee firſt inquired of the Lord, whether hee ſhould goe to help them or not, though it ſeemeth that himſelfe would otherwiſe very gladly haue done it: and, when his company did caſt ſome doubt of peril therein, hee then inquired of the Lord againe, before he would proceed therein. In

What examples they may haue, ſo to doe,

1. Sam. 23. 12.

Ib. 16.

Keilah

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Keilah likewiſe, when he had delivered the Cittie, and in reaſon might thinke, that now among them he might account himſelfe reaſonable ſafe: yet, vpon ſome doubt that himſelfe conceiued, that as then hee ſaw a ſtorme to bee growing, he would not reſt on his owne reaſon and good deſerts therein; but inquired of the Lord againe, and ſo eſcaped a ſpeciall danger. 1b. 9.12. That loſſe of his owne that he was to recover, was, that whilſt hee and the companie attended Achiſh King of Gath, to haue gone with him to battaile againſt Iſrael (a very great overſight in him) his owne Cittie Ziklag that the King had giuen him to ſoiourne in, was by the Amalakites takē in his abſence, their wiues and children, and all that was therein taken away, and the Cittie it ſelfe conſumed with fire. 1 Sam. 25. 5, 6. Whereat his company were ſo greeved at their returne (for they went not forward in that voiage, but were diſcharged and ſent home againe, God providing much better for him) that when they found what loſſe they had therein, eſpecially of their wiues & children, they were ſo impatiently greeved therewith, that they thought to haue ſtoned David their Captaine, as thē they were inraged againſt him. 1. Sam. 30. 7, 8. He therevpon againe inquired of the Lord, whether it would pleaſe him, that hee might bee avenged on thoſe that had done him this wrong, & recover the pray againe or not: not reſting on thoſe perturbations, that the indignitie of that fact had kindled in himſelfe and his men: but ſeeking vnto the Lord therein, and taking all his direction thence. Whē he was to enter into the poſſeſſiō of his kingdome, he obſerved (a wonder to ſee) the ſelfe ſame courſe. In ſo much, that when the kingdome was fallen vnto him by the death of Saul: yet did he not preſently haſten vnto it; but firſt enquired of the Lord, whether hee ſhould make 2. Sam. 2. 1.

Sect. 30. his entrie vnto it or not. And whē the Lord had reſolued him for that matter, and had given him leaue to goe and make his entrie vnto it, hee reſted not there, leauing the reſt to his owne affections or choice: but inquired further alſo, to what part of the kingdome hee ſhould make his firſt repaire, and where hee ſhoulde begin his kingdome.

1. Sam. 16. 1, 13. And yet he was before anointed by Samuel the Prophet (and that by the commandement of God himſelfe) to ſucceed Saul in the kingdome: and then preſently therevpon in token of it, and to enable him therevnto, hee was endued with a ſpeciall gift of the Spirit. Shortly after

1. Sam. 17. 49. 51, Ib. 18. 6. 7. which, it pleaſed God to worke mightily by him in the overthrow of Goliah, & therewithall putting to flight the whole armie of the Philiſtines: and thereby not only to bring him vnto the knowledge of the people; but alſo into ſpeciall great honour among them. When therevpon Saul began to conceiue hatred againſt him, and egerly to purſue vpon him to haue his life, he plainly found that God had preſerued him ſtil, and oftentimes in wonderful manner: and had giuen him withall many ſecret friendes with whom he did ſoiourne when hee was chaced to and

Ib. 18. 27. 2. 1. Sam. 30. 26 30. fro; of whom hee might well haue conceiued opinion, that ſeeing they ſtuck ſo farre vnto him in his adverſitie, they would now vndoubtedly haue knowne him in that his entrie into proſperity. In which caſe, even in the moſt moderate (that for the moſt part are among vs) fleſh and blood would ſoone haue beene doing: inſomuch that few there are, that would not haue reſolued in thēſelues to haue made no further queſtion, for matters of leſſe importance then it. Thoſe others that I thought good to adde vnto David, are theſe two: the Queen of the South; and Iehoſaphat. The former of which had divers hard

que-

questions,& was wise her selfe besides; but yet she would not rest in her selfe,nor in any of her owne sages neither, but came vnto Salomon to be resolued. The latter was so carefull of this point also in an expedition against the Syrians,that even in those affaires hee craued, that first hee might inquire of the Lord, before they did set in hande therewith,&,though thē he had enough of Achabs Prophets,and all those agreeing in one, yet all those contented not him,till he had that one Prophet of the Lord that yet was left, that by him also they might inquire of the matter they had in hand. What experience wee haue of the great displeasure of God against those that neglect this point of their duty,is so plaine a thing in it selfe, that we need not to stand vpon it, it doth so plainely of it selfe appeare,as in many others,so namely in his iudgement against those two sons of Aaron,& in David too; but especially in one of his iudgements against king Saul. For howsoever the former were strange: yet was the last strangest of all. Those two sonnes of Aaron that now we speake of were Nadab and Abihu, who were then but newly entred into their office,and so not exercised therein before: and yet because that therein they offended(not by doing any thing against that which was prescribed, but only for not inquiring of a matter that was not giuē them in charge, and which in reason they might haue thought it had not beene a matter of any such moment) they were both on the suddain destroied with fire. Wherevpon that Moses doth charge them,that therein they did not sanctify the Lord,and that this iudgement did for that cause so fall vpon them,it may teach vs likewise, that it is over prophane dealing with God,and very dangerous vn to our selues,if wee doe not inquire of all such things as

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1.King.22.10,11
2.
Ib.22.15.7.

What wrath they may feare, if so they doe not.

Lev.10.1,2.

Sect. 30. concerne our duty to him, if otherwise they be not made
2.Sam.6. plaine vnto vs. David was about to bring home the Ark of the Lord, which was little regarded in the daies of Saul, and to that end had gathered vnto him a great assembly, that so it might the better bee done: and yet because they did not wel heed, in what maner they did it, the Lord with a suddaine and fearefull stroake, dasht all that whole solemnitie of it. But the iudgement of Saul is, as I take it the strangest of al, for that he was reiected for being king, for no other cause, then (according to the iudgement of some of the best, & as the Text it selfe doth seeme to import) but only for that he medled too soone, and did not
2.Sam.10.8. awaite the Prophets cõming, who was first to shew him what he should doe. For besides that this matter was (at least as the case stood then) a matter of State (wherein it it is commonly thought that Princes may least haue regard to their Prophets) Saul was before, by the Prophet
Ib.1 himselfe annointed vnto it, cõfirmed also by divers signes;
Ib.2.7. himselfe indued with a speciall gift of the holy Spirit likewise, wherby he was also inabled to prophesie; afterward
Ib.6. chosen by lot in a speciall assembly of the estates; shortly
Ib.20.21. after commended vnto the people by a victorie that hee had against the anointed, and thereupon by the whole armie acknowledged, being thẽ aboue three hundred thou-
Ib.13.8. sand: hauing nowe also tarried the time appointed, in a maner, even to the full, if not to the vttermost of it (for it is said that he taried on Samuel seauen daies, according to the time that he appointed) & last of all being so strõgly vrged as he was to hastẽ so much as he did, his enimies lying so neere vnto him, and his men for feare dropping
Ib.8.11. away so fast as they did, that vnlesse he had then addressed himselfe vnto his busines, hee was in danger to haue had

none

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none to haue tarried with him. Whereas therefore wee haue on the one side so good examples, that lead vs to so carefull inquirie first, before we presume to determin whē soever the matter is any thing doubtfull; and on the other, so fearefull iudgements withall, on so many of those that haue neglected this point of duty: it may not iustly be doubted of any, but that hardly hee should bee able to discharge that point of duty to God, if in such sort hee should take the benefit of that Exception vnto him, as a sufficient warrant in that case to marry againe; though there were no more in it thē this, that as yet it is not resolved, but is plainely in question, even among the learned themselues.

That they do nothing against other Scriptures, which in this case are strōg against them

31 When therefore they condescended to this, that they must be better aduised of it, to the end they may the better see how to determine, namely, how far they are to forbeare it, so far as I see, they need goe no further, to find that they are not in such sort to take it, then only vnto these two points: first whether it may not well bee doubted, that they haue not some Scripture against it; then, if they had not, whether yet it were not inconvenient. That it may well be doubted, that they haue some Scripture against it (and that in large and plentifull measure) I accoūt it to be so plaine in it selfe that I doe not thinke it needful to go any further, but only in breefe and short manner to point vnto it: and that, not onely, when regard is had to those places, that directly treate of that matter that is in question, and so are held by very many, as learned & godly as any others; but also, if recourse be had to some other places, which are more generall, and yet may specially bee applied to this likewise. Those that directly treate of the matter that is in question, and so are held by very many,

Such as directly treat of the matter in question.

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as learned and godly as any others, are ſuch as either ſet downe the nature of marriage, as God ordained the ſame at the firſt: or elſe do teach vs the nature of it, after that once it is ſo ordained. Thoſe that ſet downe the nature of marriage, as God ordained the ſame at the firſt, are of two ſorts: whereof one onely is the Originall; the others, are references therevnto. That which is the originall, is that knowne place in the ſecond of Geneſis, how God caſt Adam a ſleepe, tooke a rib out of his ſide, made a woman thereof, brought her to *Man*, and ſo ioined them both together. Of whome it doth immediatly follow, that ſhee was *bone of his bones, and fleſh of his fleſh*: and that, in reſpect of that ſo neere a coniunction (in that ſhe was taken out of man, & to him delivered by God himſelfe) *a man ſhould leaue Father and Mother, and cleaue to his wife; and that they two ſhould become one fleſh.* Thoſe others that are references therevnto, are divers, as namely that of Chriſt, wherin he repeateth the ſame againe, and then addeth therevnto, *whom God hath coupled together; let no man put aſunder*; and divers others elſewhere beſides, which wee need not here to reckō. Thoſe that teach vs the nature of wedlock (I meane for this matter) after that once it is ordained, are divers likewiſe: as namely, when the Apoſtle teacheth, that the *woman, ſo long as her husband liueth, is tied vnto him &c*; and elſewhere likewiſe, that the *wife may not depart from her husband, &c, nor the huſband put away his wife.* Which alſo wee neede not to gather together, for that there is no body that doth bring any of them againſt the doctrine that herein we are to ſet downe: but ſhun them rather, as altogether going againſt them; or, otherwiſe, when they are preſſed with them, then ſeeke to qualifie them ſo well as they can. Thoſe that (in this reſpect) are

Gen.2.23.24.

Mat.19.4.6.
Mar 10.6.9
1.Cor.6.16.
Eph 5.30, 31.

Rom.7.2.3.1.
Cor.7.39.
1.Cor.7.10.11

Thoſe that treate of it but generally

but

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but generall, and yet may ſpecially herevnto bee applied, are divers: ſome that concerne one point of our duty towards God; others, that concerne certaine duties of ours towards our neighbour. Thoſe which concern one point of our duty towards God, are al ſuch as teach vs [a] patiently to beare the croſſe that he layeth on vs. Thoſe that concern certaine duties of ours towards our neighbour, are of two ſorts, ſome that teach vs, that wee be ready to [b] forgiue him his offences to vs; others that call vpon vs to [c] bring on (ſo well as we can) to all Chriſtian integrity, thoſe whome God hath to our charge committed. Having therefore theſe Scriptures againſt them, and divers others ſuch like as theſe, I ſee not how they can avoid it, but that they are hereby forbidden in ſuch ſenſe to take that Exception vnto them. For they both are one fleſh, even in the neereſt ſociety of al coupled together by God himſelfe:, and therefore not to bee ſundred by any, the wife to keepe to her husband ſo long as ſhee liveth, and the huſband not to put away his wife. If by our vnadviſedneſſe before, or negligence after, or howſoever elſe, it ſo fall out, that herein God hath laid a croſſe vpon vs, what better ſervice can wee in ſuch caſe doe vnto him, then truly, and quietly to beare it, til he be diſpoſed to eaſe vs of it? If therein there bee offences committed againſt vs, we knowe who it is that hath forbidden vs al revenge, and hath willed vs freely to pardon. If we haue an vntoward peece in our handes, to make any good workmanſhip of, yet if we doe our beſt indeavor, hee will hold vs excuſed; but not if wee caſt it out of our hands: and the worſe that any ſuch is, the more doth every ſuch party need, that the other ſhould deale accordingly with it, and the more worke may the other ſee, that God hath laid him

[a] Mat. 11. 29. 16. 24.

[b] Mat. 5. 39. 41. Pro. 24. 29. Mat. 18. 22. Luc. 6. 27. 1. Theſ. 5. 15.

[c] Act. 20. 28 Iude 20, 23. Heb. 10, 25. 12 13. 15 Lev. 19. 17, 18. 1. Theſ. 5. 11. 14.

Sect.32. him forth therein. So if we caſt our eies vnto theſe (either ſuch as I haue thus breefly remembred, or any others that are of that nature) we are ſo far from finding any ſufficient warrant at all, to that preſuppoſed liberty of theſe wãtons of ours, in ſuch ſenſe to take this exception we ſpeak of, that we rather are flatly beaten, not only from hope of finding any helpe in theſe, but alſo, even from all expectation of it any where elſe.

The Inconvenience there of to be ſuch as that onely ſhould ſtay vs

32 That if there were no Scripture againſt it, yet that it were not convenient for vs, I take it to bee, though diſputed by ſome, yet ſo generally graunted almoſt by all, that whatſoever inward conceipts divers may nouriſh (for the common corruption of nature in vs, worketh, in that kind, ſtrong & ſtrange fancies in many:) yet outwardly, very few, or none of them all, will ſeeme to deny it. But then the truth is, that they pretend to haue this meaning withall, that thereby they would occaſion the Magiſtrate to puniſh that ſinne by death, ſo to make an end of this queſtiõ betwixt vs: or elſe, that on him ſhould reſt the blame of ſuch inconvenience. Firſt therefore it ſhalbe good to conſider, how inconvenient the thing it ſelfe would be among vs: then, how little cauſe there is, vnder ſuch pretenſe, ſo far to take that liberty vnto them. How inconvenient a thing it would be with vs, may ſoone appeare, firſt in reſpect of the Publike cauſe of all: then in reſpect of certaine private perſons beſides. In reſpect of the publike cauſe of all, it would be an incõvenient thing with vs, partly for that we haue already taken other order amõg vs: but eſpecialy, for the diſorder that would come in vpon vs thereby. The other order that wee haue already taken among vs, is that part of the forme of our ſolẽnization of marriage, whereby each partie is directed to

How many waies it is inconvenient.

take

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take the other *for better, for worse*: which being the generall act of vs all, alloweth no particular persons so farre to breake it, or to call it in question, but that it concludeth such doing to be more, thē any such may well set abroach among vs. The disorder that would come in vpō vs thereby is, that it would open too wide a gap to al discontēted couples, to breake of, and to marry againe to their better liking (so long as we should haue no stronger restraint of that sinne among vs) and rather to commit the sin it selfe, being so easily punished with vs as it is, then otherwise to liue all their whole life in so great dislike. Those private persons, in whose respect it were inconvenient also, are, themselues, and others. Themselues cannot liue therein, but at the least in doubtfull estate, not onely before men, but also before God: or rather, as notorious sinners, in the iudgement both of the most and the best. Those others are of two sorts: some, that are blemished; others, that are incumbred thereby. Those that are blemished thereby, are both those second wiues of theirs, and the children that by them they haue: the former of them being accounted no wiues but only adultereſſes by law; and their children illegitimate also. Those that are incumbred thereby, are partly those to whome their lands or goods should of right descend, who by such dealing should haue their right very much incumbred: but especially, those discontented couples that before we spake of, who by a few such examples would be so tempted to doe the like, that hardly would they bee able to walke vprightly therein. How little cause there is, vnder pretense of that ordinance of God, to the childrē of Israel, that the Magistrats there were appointed to punish adulterie with death, to defend their owne vsurpation of that liberty, as though

No iust excuse vnto the in this that the Magistrat doth not punish adultery with death.

Sect. 32. thereby they might driue the Magiſtrate to take that order here alſo, or elſe himſelfe to beare the blame of it may ſufficiently appeare in this, that themſelues cannot but knowe, both that as yet wee haue not that law among vs: and that there is no greate likelyhood neither, that ever wee ſhall hereafter haue it. If as yet wee haue it not, then muſt wee needs forbeare that liberty that now wee ſpeake of, or elſe quickly bring all (for thoſe matters) to greate confuſion. That wee are not likely hereafter to haue it neither; it reſteth on two principall groundes: one, the vnwillingneſſe of all men generally to yeeld therevnto, though otherwiſe wee were never ſo free vnto it; the other, that wee are already intangled by one certaine let that is in the way. If all men generally bee ſo vnwilling to yeeld therevnto, though otherwiſe we were never ſo free vnto it (as moſt men will not ſticke to acknowledge; and may appeare in the Iſraelites alſo, in that though it were ſo ſpecially inioined to them, yet doe we not reade, that I remember, that ever it was put in execution among them) then, though the Prince himſelfe would bee wil'ing, yet in what part of the world ſhould wee find a people, that (the moſt parte of them: for ſuch muſt they be, that any where lightly are allowed to make a law) would be ready to ioine with him therein? That other let wherewith we are already intangled, is the liberty that we take to our ſelues (and haue in ſome caſes eſtabliſhed the ſame by law among vs) of marrying children, eſpecially Wards, & of making other diſorderly matches in diſparitie of yeeres, or condition, for landes or goods. Al which, ſo long as they ſtād (& they are not likely yet to fall) are likely enough, ſo to intreat for their owne eſtate therein, that it is not likely that the other ſhall ever get in

any

any foote among vs. If then it be not likely, that ever wee shall haue any such law, then the same reason that doth teach vs to forbeare that præsupposed liberty of ours vntil we haue such law established, should teach vs likewise, altogether to forbeare the desire of helping our selues thereby, when as wee are likely, never to haue it (in any good manner) allowed vnto vs. And then, what else maie we thinke that perswasion to be, but a special fetch of Sathan, to bring in some special confusion, & to work much mischiefe among vs? And if there bee so great inconveniencie hanging thereon, not only the wise of the world do resolutely determine, that of two evils, the lesser is rather to suffer a mischiefe in some few particulars, than while they seek to relieue them, thereby to bring in an inconvenience to all: but even the Apostle also hath plainely tolde vs, that though things may bee lawfull, yet if they be not expedient or profitable, in that case also they are not to be attempted by vs; and besides hath given in himselfe an example of it. As Christ also (no doubt) himselfe, by the selfsame rule, governed himselfe in many of his speeches and actions: and in effect prescribed the same vnto others. In which respect *Abrahã* did wel, to refuse that great bootie (even the spoile of all those cities, which for *Lots* sake he had recovered, and nowby the law of armes was his) euen onlie for that hee woulde not haue the inhabitants of those parts to take occasion to thinke that their substance had made him rich: beeing carefull to reserue the glory thereof, onlie to God, by whose onlie blessing indeede it was, that he was growne so mighty among them. Wherin also it is good to note, that in so doing hee pleased God so marvelous well, that by and by hee appeared vnto him, promising safetie from al his enimies (belike, especially in

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1. Cor 6, 12.

1. Cor, 8. 13.

Gen 14, 22, 23

Gen 15, 1.

Sect.33. respect of those foure kings, whō now hee had so netled) and to be vnto him besides (in respect of the bootie, that in such respect he had refused) *an exceeding great reward*. *David* also in that respect did wel to refuse the water that
2.Sam.23,15. 17. was brought vnto him from the wel that was by *Bethlehem*, vnderstanding that three of his Captaines had put themselues in so verie great danger for it: though otherwise he was verie thirstie, and longed more for it than for others. Far vnlike therein to *Cleopatra* that daintie & wanton queene of Egypt, who (like vnto her selfe therein) to satisfie her owne inordinate lust, did not sticke at once to sup of, in one draught, a iewel of inestimable price: of fifty thousand pounds, as some did valew it; but of six hundred thousand, as others esteemed it. And even so these wantōs of ours, for a litle beastly pleasure of their own for a time, little regard what infinit hurt they do vnto others, by the example that they do giue them. So that, although the exceptiō might haue such sense, as to import, that in some case it might so be: yet, both we must needs be wel advised of it; & we must take heed that we never do it, either whē those aforesaid Scriptures may not wel beare it, or so oft as there is anie so greate inconvenience that hangeth thereon.

The other doubt, of the Apostles 'grāting of marriage to the faithfull forsaken, answered also.

33 Concerning that of the Apostle, who in some cases alloweth either of the parties (not onlie the man, but also the woman) to marrie againe, & therfore may seeme so much the rather to allow of this, we are first to cōsider onlie of so much of it, as belongeth to this that now wee speake of: then, of somewhat els besides, that commeth in by occasion of it. That which belongeth to this that now we speake of, resteth but in these two points: one, the Obiection that is gathered thereon; the other, the answere

that

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that may be given it. The Obiection that is gathered theron, is this: that seeing the Apostle doth so plainely allowe (in case of infidelitie) that if the partie that doth not beleeue, wil forsake the partie beleeving, that in such things a brother or sister is not in bondage, or, must of necessitie be forced, to liue without the help of wedlock, therefore if in this the bond of matrimonie may bee so broken, that the party forsaken may marry againe, it should seeme to be much more likely, that by adultery the bond should be much rather broken. For answere wherevnto, I thinke we need no more but this, that there is not the like reason in the one, as in the other: whether wee respect the offense that is committed, or the inconvenience that redoundeth vnto the other thereby. The offense that is committed, is adultery, a very foul and great sinne, both odious to God, and exceeding grievous to man, even intolerable almost vnto many: in that forsaking that the Apostle speakethof, an vtter breaking óf of the knot of wedlock that was betwixt them, so far as in that partie doth lie. The former of which sometimes proceedeth but of infirmitie: the latter of them, is an hatred to Religion it selfe. Though therefore the Apostle allow the forsaken partie to marry againe, especially, when it is for hatred of the Truth, and where the other hath broken of already from the bond that was betwixt them: yet it may be, he would not allow (or at least it cānot hence be gathered, that *he would allow*) of marrying againe, where the party offending hath but only sinned against that holy ordinance, and therein was not purposed, nor yet is, to breake of from the other, and when that sinne (it may bee) was done by infirmitie also, and much provoked by some inordinate dealing of the other. The inconvenience that redoundeth vnto the o-

The cases not like, and wherein they differ.

Sect. 33. ther partie thereby, is by such forsaking much greater (in this kind) then is that other of committing adulterie. For by such forsaking it commeth to passe, that the partie forsaken is altogether deprived, not onely of a comfortable fruition of the good things of wedlocke, but also of the things themselues: of that needfull preservation from sin; of children likewise, and mutuall help. But it is not so by adulterie, for that the innocent partie, notwithstanding it, may haue all those of the offendor in some tolerable measure, though not in so good, and comfortable maner, as were expedient: he may haue that needful help to preserue him from sinne, and to accomplish divers of his affaires; and propagation of children likewise. If hee cannot take the benefit of anie such helpe of the other that hath beene so vnfaithfull vnto him, that is like enough to proceede but only of such perturbation of mind as some way casteth how to reveng, or cannot yet digest so great a displeasure done vnto him: which, indeed, is iustly deserved by the offendour; but not iustly entertained by the innocent partie, for that he which hath forgiven vs more, hath willed vs also, for his sake to forgiue. And therefore such perturbation is to be remoued or at least bridled: & not any cõceipt thereon to be nourished, that now there can no such help be had of the partie offending. His children (I graunt) may be somewhat doubtful, whether they be his or not: but that is so general a case withall, that mẽ must rather hold themselues contented with that general determination of law that by marriage doth make them theirs, (which also is their own act too) then suffer themselues to be so carried away from the opinion that they are theirs, by such suspition as il likelyhoods may easily breed. Else, if any will needs be so peremptorie, let them

first

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first shew, that their own discern is vtterly void of all suspition of any such blemish, before they deale so strictly with others. Albeit therefore the Apostle allow of marrying againe, to such as vtterly are deprived of all such good things as by marriage God ordained for men: yet is there no reason, why any mā should therevpon gather, that the like liberty were likewise to be graunted to those that may haue the vse of those things in some tolerable measure, but so far as their owne troubled affections doe hinder them of it. That other thing that belongeth not vnto this that now we speake of, but ariseth by occasion of it, is that hence it seemeth to me we may haue a special good light, whereby we may see how to determin of one other point, that in all ages hath much troubled the learned, and yet doth: namely, for what causes divorce may be had, & marrying againe thereon allowed. For many there are (and those of special account withal) that allow of no divorce but onlie for adulterie (and thinke that those that go any farther, do make themselues wiser than their Master) nor of marrying againe, but onlie in that of adulterie, and in this of being forsaken: others againe, that allow both of divorce and marrying therevpon for divers other causes besides. In which extending of that libertie, there are of those that professe and teach the Gospel, that maie wel be doubted to go over far: as on the other side the Papists generally are for divorce so very liberall, that they without question stand in great need to be better shod for their so far over-reaching therein. But of this matter I meane not to treate: which would be sufficient it selfe to occupie another Treatice much greater then this. The thing that now I meane to deliver, is no more but this, that whereas the Apostle doth so plainely insinuate that

An other consideration out of the same,

the

Sect. 34. the party that is in ſuch ſort forſaken may marrie againe, and then doeth not altogether relie on that caſe neither, but taketh in ſome other withall, hence, it ſeemeth, may beſt be decided, in what caſes it may be permitted to marry again: ſo that the rule be not in this point exceeded, to graunt it to ſuch, as haue ſuch vſe of marriage already as need requireth. For we doe not here finde that the Apoſtle doth allow it to any, but only to ſuch as otherwiſe were altogether deprived of it: and though hee take in *ſuch* like withall, yet muſt we therein haue a good eie vnto the originall or patterne giuen, and not account any like vnto it, but only wherein the one of the parties is as much otherwiſe deprived of the vſe or benefit of marriage, as in the caſe that the Apoſtle himſelfe hath put. For howſoever divers ſuch there may bee, or at leaſt ſome few, wherein it may be allowed to marry againe: yet certaine it is, that hauing none other Scripture for it but this we haue then no warrant at all to goe any further, or to extend that liberty to any other beſides whatſoever.

The Concluſion. 34 But as touching the main, if now we gather the cheefeſt and principall points together, of all that hetherto hath beene ſaid, what haue wee (to ſpeake of) but only the opinion of divers of the learned that way inclining? For the truth of the matter or any certaintie whereon to ground, what haue we elſe, but only a brittle ſhew of certaine places of Scripture, which for a while may ſeeme to be for vs: but ſo ſoone as ever they are examined, either plainely they turne to the contrarie ſide, or at leaſt aſſure vs, that for any certaintie of that point of doctrine, for which we haue ſuch recourſe vnto them, get it where we can beſides, but in them ſhall we never haue it. We hoped that Moſes and Malachie too, would haue holpen vs well

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well, for divorce we had certaine others beſides: but wee made moſt reckoning of theſe. Now we ſee, that not only thoſe others, but even theſe alſo do giue vs over, and refuſe to yeeld vs any help therein. Which divorce had they graunted vnto vs, wee had made no doubt at all, but they had in like ſort allowed to marry againe: but now finding them ſo ſtrong in the former; wee haue at all no hope of the latter. Even Chriſt alſo, we thought, did make no ſtay, not only at divorce (ſo it were for adulterie:) but, in that caſe alſo, not at marrying againe. But now wee ſee not, with what face wee may looke for any ſuch liberty at his hands, when as we doubt it would fall out indeed, that if he ſhould graunt ſo much vnto vs, hee ſhould graunt vs more therein, then ever any other of his ſervants did, before, or ſince. Whereas therefore, his words may indeed haue another meaning, and ſuch as agreeth with much other Scripture, wee doe not ſee, but that well, may wee doubt, that ſuch ſence as agreeth with much other Scripture, is a great deale more likely to bee his meaning, than that which ſtandeth alone by it ſelfe, and hath nothing elſe in all the Bible neither in the old Teſtament, nor in the new, that accordeth with it. Being thus ſtrongly held of by the Scriptures, or rather cleane abandoned by them, when therevpon we returne againe (as paſſing loath to be cleane put downe in this, if any way we might ſee how to help it) to that ſorie helpe that remaineth, the iudgement of certaine of the learned, before remembred, to conſider ſomewhat better of them, and to ſee if we haue not ſome further helpe in them, than yet wee conceiued (being ſo many as they are, and many of them ſo reſolute in it, and in all their writings generally of ſo ſpecial account amõg vs) there finde wee firſt, that they all miſtooke the Text it

Sect. 34. ſelfe, out of which the firſt and principall part of all their opiniõ ſhould haue derived the warrãt that they thought it to haue: and that divers of the chiefeſt of them, haue themſelues ſo acknowledged ſince. If we looke ſomewhat further into them, then doe we in like ſort finde, not only that therein they goe againſt the vniverſall opinion of all others therein (that long hath ſtood in the Church of Chriſt, even frõ the beginning, for the only truth of that point of doctrine) and againſt the practice in gouernmẽt of this Church of ours, and of all others almoſt beſides: but alſo, that themſelues giue vs in ſo weake reaſons why they thought good to ſide themſelues to that opinion, & ſuch Proteſtations withall, the better to obtaine to be excuſed for that they goe ſo farre therein; and when they are in the matter it ſelfe, ſo many of their proofes for that they affirme ſo very ſlender, and ſo inconveniẽt ſpeeches withall (boading ſuch impatiencie, that they may ſeeme to ariſe of the weakneſſe of the cauſe it ſelfe) that if wee well adviſe our ſelues what comfort it is that there wee haue gotten, wee hardly finde any thing throughout the whole that will afford vs any one peece of warrant, to entertaine any ſuch conceit, for never ſo ſmal a portion of time, or to giue it ſo much as one nights lodging. The remaine then wil be none other but this, that our ſelues are carried ſo ſtrongly away, with our owne vnbridled affections (with an hote deſire, either of change, or of revenge and ſometime with both) that it was an eaſie matter, for parcialitie and error in others, to ſettle vs in that conceit, we being loath (for feare of diſturbing our peace therein) to fall to any iuſt examining of them. God giue vs grace that howſoever in all things we daily offend, by our common infirmitie, and great corruption that yet abideth; yet

we

we may ſo far abandon all fleſhly luſts, that thereby wee grow not to bee ſo foule ſtaines in the Church of God, nor ſo perilous examples to others: eſpecially thoſe, that haue an vnfained care to ſerue him indeed, or, no more but profeſſe the truth of the Goſpell. *Sect.* 34.

FINIS.

AN OTHER NOTE FOR THE Reader.

THis former Treatice being thus finished, yet is there one thing more (gentle Reader) that further I am by late occasion, to impart vnto thee: nothing at all appertaining to the matter before; but only for that it lighteth on the time of the publishing of it. The matter is no more, but this.

I haue already diuers times heard, that certaine of the fauorites of R.P. (the supposed Author of the Resolution) would not beleeue that I had made any answere vnto him for such matters, as hee, in the preface of his second edition of the same (which was, 1585) had charged me withall. And for these, I contented me selfe to let thē vnderstand, that I had answered him many yeeres before: as it is knowne wel enough I had done (so far as an whole Impression might serue to witnes it) now about twentie yeeres since.

But now of late I perceiue, that himselfe also doth not take with his Answere, or will not be acknowne of it: & this doe I gather, for that nowe (a fewe daies since) I finde, that having set forth that Book again, but about two yeeres past (namely, 1607) and having altered it againe from that it was before (but the first, it may be, will ever proue the best) he nevertheles chargeth me a fresh, with many of those stale matters, answered so manie yeeres past already; but maketh no mention of that mine Answere.

Seeing therfore I came to the knowledge hereof, when this other was yet vnder the Presse, I thought it good herewithall to wish this to be marked, that seeing that answer of mine was given forth and published, in the yeere of our Lord 1589; & that since I never heard any thing frō him of the same, & that now he wrāgleth a fresh about some of those his stale matters again,

and

and so grosly (though warily enough on his own behalfe) dissembleth mine Answere to them and the rest: that all good & orderly dealing (of such a kind) was thē somwhat far to seeke in him.

I make no doubt, but that there (in that mine Answere) he noted much more to be obiected, than any way hee was able well to answere (especially, the great uncleannes of all that crew generally; their bad dealing with the Fathers; and so many slips of his owne withall:) and that therefore he would rather see, if, for a flourish, he could not cull out something of his former matters to gibe at againe, to be in lew or steed of some iust Reply, I alone expected. But plaine dealing is ever the meetest for all those that stand for the truth: and so base shifting, much more sutable to the desperate weakenesse of the cause that he hath in hand.

And if any man shall lay thereunto his bold promise of those other two parts, of that which now he calleth his Directorie, & therein how many yeeres he hath beene hammering about it, & yet could never get out of the first part neither, and the seconde time made it worse than before (even in the iudgement of his owne favourits:) the lesse that this third time also he hath nowe againe answered their expectation, the more may such a man see, what hope he may nourish in himselfe, as touching those others. But me selfe conceived long since (and so did reasonable plainely tell him) that it was not in him to doe, as then he did beare the world in hand: namely, to frame such other two parts, as should be of that argument, and yet sutable to that, which hee had elsewhere borrowed to the first part of it.

An other there is, one Radford by name, a fowle of that feather, who in certaine discourses of his of other matters, published in the yeere 1599, hath beene something chattering against me likewise, in the quarrell of his fellow R.P. before: & yet none otherwise but like to himselfe. Of whō notwithstanding I haue alreadie said something, somewhat more specially, in a larger

Discourse of mine, which now (God willing) next vnto this, & so but a few daies hence, I trust, is to come to the Presse: and so saie I no more of that matter now. Yet that no man deceiue his expectation therein, both it is but towardes the end of that larger Treatice: and, as hee, in those his other discourses doth no more, but as it were, by the way, take his pleasure on me; so I likewise, following the suit, or, in such like manner, doe giue him his answere.

So now againe (gentle Reader) I commend thee to God. Oxford, Iune, 22. 1610.

EDM. BVNNY.

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